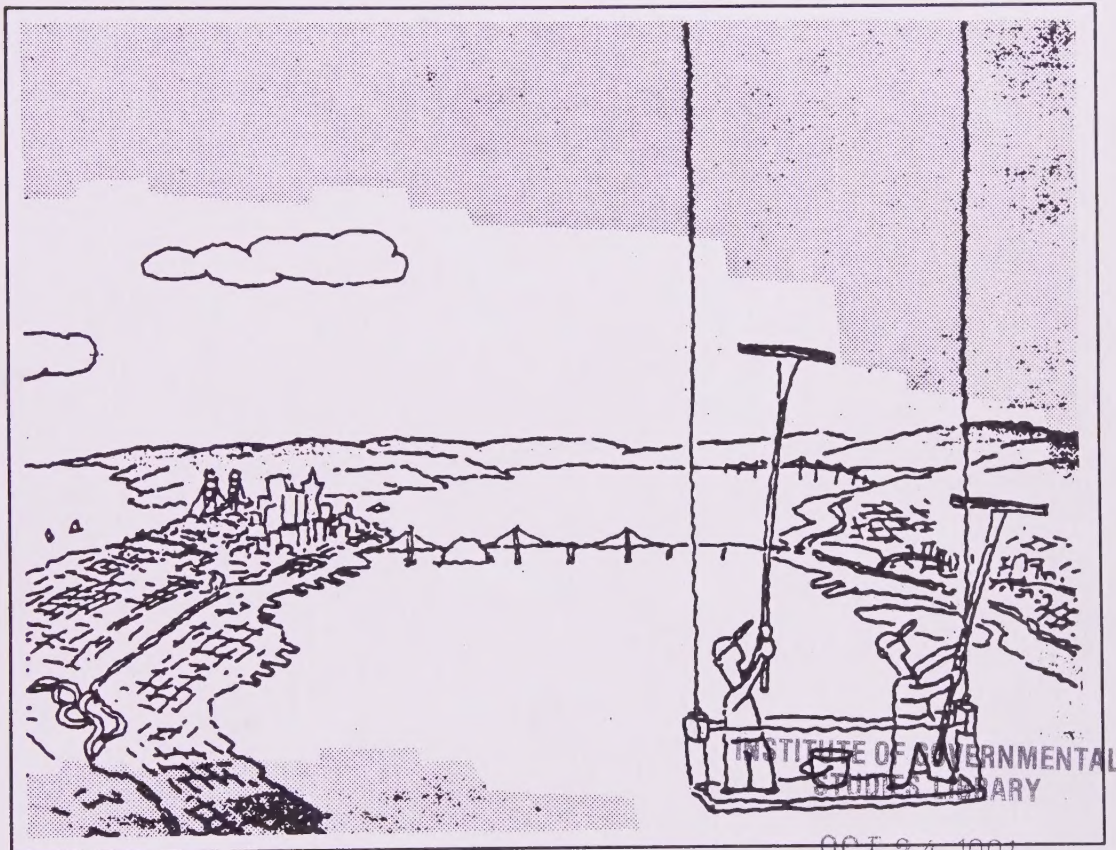


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Final Environmental Impact Report  
for the  
Bay Area 1991 Clean Air Plan




Response to Comments



Bay Area Air Quality Management District

October 1991



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**FINAL ENVIRONMENTAL IMPACT REPORT**

**for the**

**BAY AREA 1991 CLEAN AIR PLAN**

**RESPONSE TO COMMENTS**

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

939 Ellis Street

San Francisco, California 94109

October 1991





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## 1. INTRODUCTION

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## 1. INTRODUCTION

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### 1.1 PURPOSE AND CONTENT OF EIR

This Response to Comments document, together with the Draft Environmental Impact Report (EIR), constitutes the Final EIR on the Bay Area 1991 Clean Air Plan (CAP). The CAP, which is incorporated into this document by reference, has been proposed by the Bay Area Air Quality Management District (BAAQMD or "District"). The Draft EIR was circulated for public review in July and August 1991 and included a description of the proposed project, an assessment of the potential environmental effects associated with implementation of the project, a description of proposed mitigation measures to avoid or reduce such effects, and an analysis of project alternatives.

This Final EIR includes: an introduction; a summary of environmental impacts and mitigation measures; revisions to the text of the Draft EIR; a list of letters received by the BAAQMD during the comment period for the Draft EIR; reproductions of the comments received; the transcripts from the public hearings on the Draft CAP and the Draft EIR; and responses to the comments on the Draft EIR submitted during the public review period. In addition to the Final EIR, a mitigation monitoring program (contained in a separately bound volume) has been prepared to facilitate monitoring and reporting on proposed mitigation measures.

The Final EIR and mitigation monitoring program have been prepared in accordance with the provisions of the California Environmental Quality Act (CEQA).

### 1.2 ENVIRONMENTAL PROCESS

The Draft EIR was distributed for review and comment to the public and interested public agencies from July 5, 1991 through August 19, 1991 (see Appendix A). Public hearings were held on July

3 and July 24, 1991 to receive comments on the Draft CAP and Draft EIR. All verbal comments received at the public hearings were recorded and transcribed by the District. Written comments on the Draft EIR were also received by the BAAQMD during the public review period.

Copies of all written and transcribed verbal comments received on the Draft EIR are contained in this volume. Individual comments are bracketed and assigned numbers indicated in the margin of each page. The BAAQMD has prepared responses to each comment, and these responses, corresponding to the numbered comments, directly follow each letter. The comments received on the Draft EIR have been organized as follows:

- A State Agencies
- B Local Agencies
- C Institutions and Organizations
- D Individuals
- E Transcripts

Following the letter of the alphabet is a number which simply orders the letters within this grouping. For example, letter B3 corresponds to the third letter from a local agency. One of three characters follows a hyphen, identifying whether the comment is associated with the CAP, the Draft EIR or the Socioeconomic Report for the CAP. Comments on the CAP are simply designated by a "P", such as "B3-P". Comments on the Draft EIR are followed by sequential numbering, such as B3-4, B3-5, etc. Comments on the Socioeconomic Report for the CAP are also sequentially numbered; however, the numbers are preceded by the letter S, such as B3-S6.

This document only contains responses to comments on the Draft EIR. Comments on the Socioeconomic Report for the CAP are addressed in a separate document entitled Socioeconomic Report for the Bay Area 1991 Clean Air Plan, Comments and Responses. The BAAQMD also received many comments on the CAP itself. Comments from individuals, organizations and public agencies were received at public hearings before the BAAQMD Board of Directors, informational meetings and in written comment letters. BAAQMD staff reviewed all CAP comments in detail, summarized the comments and provided staff responses for consideration by the Board. The BAAQMD Board considered the summary of CAP comments at the September 4, 1991 meeting in which they discussed the Draft CAP. Subsequently, staff prepared a detailed staff report



regarding CAP issues raised by Board members and in public comments specifically identified by the Board. The BAAQMD Board further discussed the Draft CAP and public comments on the CAP at the September 18, 1991 meeting, and directed staff to revise the CAP based in part on the public comments received. The BAAQMD Board of Directors will consider the Final CAP at a public hearing scheduled for October 30, 1991.

Many of the comment letters submitted on the Draft EIR also contained comments on the CAP. These CAP comments were included in the CAP comment summary discussed above for consideration by the Board. Because these comments deal with the content of the CAP rather than the environmental impact analysis, specific responses are not provided in this Final EIR.

The Final EIR is being sent to all organizations and individuals that submitted comments on the Draft EIR. Copies of the document also are available for public review at the BAAQMD Technical Library. The Final EIR and the mitigation monitoring program will be presented to the BAAQMD Board of Directors for certification during their scheduled meeting on October 30, 1991. At this meeting, the Board will consider adoption of the CAP based on review and consideration of the Final EIR.

### **1.3 REVISIONS TO THE CAP**

A number of revisions have been made to the CAP in response to public comments on the Draft CAP and Draft EIR. The revisions are not expected to raise any new environmental issues not already addressed in the Draft EIR. The revisions include one new control measure, relatively minor refinements to control measures already included in the Draft CAP and Draft EIR, and a revised contingency process. In some cases, the revisions are expected to result in additional beneficial impacts. The following discussion describes the revisions, explains the BAAQMD's rationale for including them in the Final CAP and describes the BAAQMD's reasons for concluding that further environmental analysis is not needed.

#### **Control Measure D9 - Control of Emissions From Residential Wood Combustion**

Revision to Final CAP - This is a new stationary source control measure added to the Final CAP. This measure would reduce emissions from domestic wood stoves and fireplaces by: 1) expanding public awareness programs, 2) requiring uncontrolled wood stoves to be removed or replaced by

controlled stoves upon sale of real property, 3) accelerating the implementation of emission limits on new wood stoves, 4) placing restrictions on the sale and installation of used wood stoves, 5) exploring the possibility of establishing a moisture content limit for "seasoned wood", and 6) establishing a voluntary curtailment program.

Rationale - Members of the public recommended that the Final CAP include a control measure limiting emissions from residential wood combustion. The California Air Resources Board considers residential wood combustion control to be a feasible measure that must be included in the CAP.

Environmental Considerations - This measure is not expected to result in any significant adverse environmental impacts. In addition to reducing emissions of ozone precursors and carbon monoxide, control measure D9 will also reduce emissions of particulate matter. Particulate emissions from wood burning can contribute to adverse health impacts as well as public nuisance problems. The measure would also reduce emissions of polycyclic organic material, a class of potentially toxic compounds, some of which have been classified as probable human carcinogens. Control measure D9 would also reduce accumulation of creosote in chimneys, which would reduce the risk of chimney fires.

## **TCM 2 - Employer-Based Trip Reduction Rule**

Revision to Final CAP - The Final CAP accelerates the schedule for rule adoption for TCM 2 from September 1992 to July 1992. Implementation in July 1993 has not changed.

Rationale - Various commenters on the Draft CAP and Draft EIR stressed the importance of coordinating CAP TCMs with local congestion management programs. The rule adoption schedule for TCM 2 has been accelerated to better coordinate with local trip reduction ordinances being developed in response to congestion management requirements.

Environmental Considerations - Neither the content nor the implementation date for TCM 2 have changed, and thus neither the nature nor the timing of potential adverse impacts are expected to change. By moving forward the rule adoption date, it is expected that coordination between local and regional agencies will be enhanced.



**TCM 9 - Bicycle Improvements**

Revision to Final CAP - A goal for increasing bicycle commute mode share has been added to TCM 9. The proposal is to increase bicycle commute mode share from 1.275 percent (current) to 3.0 percent by 1997. The specific elements of TCM 9 have not changed.

Rationale - Many commenters on the Draft CAP and Draft EIR stressed the importance of encouraging the use of bicycles as alternatives to the automobile. The BAAQMD recognizes that bicycles are a low cost, pollution free vehicle that can play an important role in regional transportation, given support by the public and private sectors. The BAAQMD seeks to reinforce the importance of bicycles as an alternative to the automobile by including in the Final CAP a specific goal for bicycle commute mode share.

Environmental Considerations - There is no change in the substantive elements of TCM 9, and thus the environmental analysis in the Draft EIR is adequate.

**TCM 15 - Carpool Incentives**

Revision to Final CAP - Reference to free tolls on all bridges at all times for HOVs has been deleted from the Final CAP. No changes are proposed to the current free tolls for HOVs during peak periods.

Rationale - Some commenters voiced concern about 24-hour free bridge tolls for HOVs. The primary motivation for using HOV lanes at the bridges is the time savings from bypassing congested toll plazas, not the free toll. Providing free tolls for HOVs during non-peak periods would reduce revenues for transit service improvements while providing little additional stimulus for ridesharing.

Environmental Considerations - Elimination of free bridge tolls for HOVs during non-peak periods is expected to have an insignificant effect on vehicle trips and vehicle emissions. The environmental analysis in the Draft EIR is adequate.

### **TCM 16 - Indirect Source Control**

Revision to Final CAP - The regulatory schedule in the Final CAP postpones rule adoption for Indirect Source Control (ISC) for existing sources from 1993 to 1994. The ISC program for new indirect sources is still scheduled for rule adoption in 1993.

Rationale - The California Clean Air Act requires that the CAP include an expeditious rule adoption schedule. The Final CAP proposes an ambitious schedule consisting of eight CAP control measures, including one major TCM, per year. The Employer-Based Trip Reduction rule is scheduled for adoption in 1992. Indirect Source Control for new sources is scheduled for adoption in 1993. Indirect Source Control for existing sources is scheduled for adoption in 1994. This schedule will allow adequate time for conducting the rule development process for this complex and controversial rule.

Environmental Considerations - The revised schedule will not result in any new environmental impacts. The benefits of the measure will be postponed slightly, but will occur in accordance with the expeditious rule adoption schedule outlined in the Final CAP.

### **TCM 21 - Revenue Measures**

Revision to Final CAP - In the Draft CAP, Phase 1 included adopted revenue measures (Increase in Gas Tax by \$.09/gallon and Increase in Bridge Tolls to \$1.00) and development of a legislative package for implementation of additional revenue measures. The Phase 2 revenue measures were proposed to raise \$500 to \$600 million/year for funding TCM implementation in Phase 2. The Phase 2 revenue measures were bridge toll increase to \$2.00, increase vehicle registration fee by \$4.00, and gas tax increase of \$.14/gallon or equivalent revenue-generating measure.

In the proposed Final CAP, Phase 1 includes the adopted revenue measures mentioned above and revenue measures expected to be approved by the legislature during Phase 1 (AB 434 - increase in vehicle registration fees by \$4.00 and SB 210 - increase in bridge tolls to \$2.00). Phase 2 includes the \$.14 per gallon gas tax increase or equivalent measure.

Rationale - This revision is not a substantive change to TCM 21. Rather, it more accurately represents the current legislative status of the revenue measures. The identified revenue measures

are needed to generate additional revenue to fund TCM implementation at the earliest possible date. Legislation to implement increased bridge tolls (SB 210) and increased vehicle registration fees (AB 434) is pending in Sacramento. Prospects for approval in 1991-92 are good. Additional legislation is needed to implement a gas tax increase or equivalent revenue-generating measure. Thus, this revision to the CAP reflects the fact that some revenues (approximately \$70 million/year), previously scheduled to become available in Phase 2, may be available in Phase 1.

Environmental Considerations - As noted above, this revision does not affect the substance of TCM 21, but merely reflects the current legislative status of the revenue measures. No new environmental impacts are expected.

### **TCM 22 - Market-Based Pricing Measures**

Revision to Final CAP - In the Draft CAP, the market-based TCMs were included in Phase 3, with an expected implementation date after 1997. The market-based TCMs include smog-based vehicle registration fees, congestion pricing of freeways, gasoline taxes, and parking fees.

In the proposed Final CAP, the development of a legislative package for market-based TCMs is included in Phase 1 and the implementation of market-based measures is scheduled for Phase 2. The proposal for market-based TCMs is to begin with low fees, and increase the fees as transportation alternatives became available in order to provide a transition period and to minimize economic impacts on low-income auto-dependent households. Revenues would be used for specific programs to address equity impacts as well as to fund transportation improvements. It should be noted that actual implementation of the market-based measures is dependent upon the State legislative process.

Rationale - The BAAQMD received many comments from business and environmental groups supporting the market-based TCMs and urging their prompt implementation. The proposed revision to the Final CAP seeks to address these concerns by expediting the implementation of the market-based measures as much as practicable, taking into consideration the time required to secure legislative approval.



Environmental Considerations - The basic change to TCM 22 is earlier pursuit of legislative authority to implement the market-based TCMs. Earlier pursuit may result in earlier implementation; however, the actual implementation of the market-based measures is still dependent upon legislative approval. This has not changed. The Draft EIR acknowledges that the market-based measures could result in adverse impacts if adequate transportation alternatives are not available when the fees are imposed. As noted above, the Final CAP proposes that the market-based measures begin with low fees, increase the fees as transportation alternatives become more available, and use revenues to address potential equity impacts. No new impacts beyond those already discussed in the Draft EIR are expected to occur.

#### **TCM 23 - Ozone Excess "No Drive Days" (Voluntary)**

Revision to Final CAP - In the Draft CAP, Control Measures G3 - Ozone Excess No Drive Days (Voluntary) was included with the Stationary Source Control Measures. In the proposed Final CAP, G3 has been converted into TCM 23. No changes in the measure are proposed.

Rationale - This measure is a TCM, not a stationary source control measure.

Environmental Considerations - The substance of this control measure has not been changed. No further environmental review is needed.

#### **Contingency Process**

Revision to Final CAP - The following control measures, designated as contingency measures in the Draft CAP, have been deleted from the Final CAP: F2, Emission Minimization Management Plan; G4, Ozone Excess "No Drive Days" (Mandatory); H2, High Polluting Vehicle Retirement Program; and H4, Urban Bus Electrification. Rather than designating contingency measures, the proposed Final CAP includes a contingency process. Under this process, the BAAQMD and cooperating agencies will strive to adopt and implement control measures on an expeditious schedule. When the BAAQMD staff or Board determine that a control measure proposed in the CAP cannot be adopted or implemented, staff will accelerate, to the extent possible, the rule adoption and implementation process for subsequent rules. If additional measures not currently in the CAP are identified as feasible for the Bay Area, the BAAQMD will incorporate the



measures into the annual regulatory schedule according to their emission reductions and cost-effectiveness compared to other proposed measures.

Rationale - The CAP's rule adoption schedule is based on various factors, including the control measures' technological feasibility, cost-effectiveness, and other environmental, social and legal considerations. The BAAQMD believes that it does not make sense to identify contingency measures that are not deemed feasible at the time of plan adoption, but that might later be inserted into the rule adoption sequence in preference to other scheduled feasible measures. Rather, the Final CAP proposes to accelerate adoption of control measures scheduled for future years, as needed, and to include new measures when they are identified as feasible measures for the Bay Area.

Environmental Considerations - Because control measures that might be accelerated under this contingency process are already analyzed in the DEIR, no further review of these measures is needed. With respect to new control measures that may be deemed feasible and added to the regulatory schedule in the future, the BAAQMD's determination of feasibility, as noted above, includes consideration of the measure's environmental and social effects. If the CAP is revised to include new control measures, their environmental impacts would be considered at that time.

## 1.4 HOW TO USE THIS REPORT

This report is divided into five chapters: Introduction, Summary of Environmental Impacts and Mitigation Measures, Revisions to Draft EIR, List of Letters, and Comments and Responses. A description of each chapter follows.

The Introduction describes the purposes and content of the Final EIR, the environmental process, and how to use the report.

The Summary of Environmental Impacts and Mitigation Measures chapter lists in the form of a Summary Table all of the potential environmental impacts of the CAP and the proposed mitigation measures to reduce or eliminate identified impacts. The level of significance of each impact, with and without mitigation, is identified. This chapter has been revised and updated from the Summary chapter presented in the Draft EIR to reflect changes resulting from the public review process.

Highlighted text indicates new or revised material. Overstrike indicates text that has been deleted. The Summary Table does not include additional discussion of the identified impacts and mitigation measures, but does take into account information contained in the Response to Comments chapter.

The Revisions to Draft EIR chapter of this document includes changes to the Draft Environmental Impact Report. These changes were made after consideration of comments received during the public review period. The new or revised text in the Draft EIR is identified following the page, paragraph and sentence number in which the text originally occurred. Changes to Impacts and Mitigations in the Draft EIR will appear in this chapter as well as in Section 2.1, Summary Table, of this document.

The List of Letters includes a listing of all agencies, individuals, and organizations who submitted written comments to the BAAQMD on the Draft EIR.

The Comments and Responses chapter includes a reproduction of each letter commenting on the Draft EIR that was received during the public review period, and the public hearing transcripts. Following each letter are the responses to comments on the Draft EIR included in the letter. Comments were received from State agencies, local government agencies, community groups and organizations, businesses and individuals.

In compliance with AB 3180, the Mitigation Monitoring Program for the EIR has been prepared as a separate document. The Mitigation Monitoring Program will be adopted by the BAAQMD upon certification of the Final EIR.

## **2. SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES**

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## 2. SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

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### 2.1 SUMMARY OF IMPACTS

The Summary of Environmental Impacts and Mitigation Measures, Table 2-1 of the Draft EIR, was prepared to give the reader an overview of the analysis contained in Chapter 4, Environmental Setting, Impacts and Mitigation Measures of the Draft EIR. As a result of comments received during the public review period, the text in certain impacts and mitigation measures has been revised and in some cases new text has been added.

### 2.2 SUMMARY TABLES

The Summary Table in this chapter provides an update of Table 2-1 of the Draft EIR to reflect changes in impacts and mitigation measures.

The table has been organized into the following columns: 1) environmental impacts; 2) the level of significance prior to implementation of recommended mitigation measure(s); 3) the recommended mitigation measure(s); and 4) the level of significance after implementation of the proposed mitigation measure(s).

New or revised impacts and mitigation measures are distinguishable by highlighted text for new material and overstrike indicating deleted text.

TABLE 2-1  
SUMMARY OF ENVIRONMENTAL EFFECTS

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
<b>4.1 AIR QUALITY</b>			
Implementation of the proposed project would result in a beneficial effect on air quality through a net reduction in emissions of carbon monoxide and ozone precursors.	B	None recommended or required.	B
Despite overall emission reductions, the proposed project could result in localized ozone exceedances which would be considered a significant and adverse air quality impact.	S	Prior to adoption of control measures to reduce NO <sub>x</sub> emissions, the BAAQMD would perform air quality modeling to evaluate ozone "hotspots" and to identify potential mitigation measures.	SU
TCMs would result in a beneficial effect on air quality through a net reduction in emissions.	B	None recommended or required.	B
Implementation of TCMs would result in the increased use of diesel buses causing an increase in the emission of diesel exhaust.	S	Methanol-fueled, compressed natural gas fueled, or electric buses would be used where transit districts determined they were feasible. Transit facilities determined by the BAAQMD to pose a significant health hazard would be identified and the responsible agencies encouraged to take actions to reduce this impact.	SU
TCMs could result in an increase in emissions of carbon monoxide at intersections in the vicinity of transit facilities, possibly leading to localized elevated CO concentrations.	S	Project sponsors would conduct traffic/air quality analyses for TCMs that would result in an increase in local traffic in the vicinity of transit facilities and take actions to reduce this impact.	SU

S = Significant  
 LS = Less than Significant  
 B = Beneficial  
 SU = Significant Unavoidable

TABLE 2-1 (Continued)

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
TCMs 3, 4, 5, 7, 8, and 9 would result in construction-related emissions which could cause local exceedances of air quality standards.	S	Emissions would be reduced by minimizing idling time for all heavy equipment and frequent exhaust system inspections and maintenance. The BAAQMD would encourage project sponsors to require contractors to inspect sources of fugitive dust and coordinate control measures.	LS
TCM 10 and control measure H3 would promote the use of clean fuel vehicles; which would increase emissions of formaldehyde, a suspected carcinogen.	S	Vehicular emissions of formaldehyde would be reduced by a requirement to have tailpipe catalytic controls installed on clean-fuel vehicles burning methanol. <u>The increased use of compressed natural gas buses in this fleet would reduce emissions of formaldehyde.</u>	SU
TCM 10 and control measure H3 could increase fugitive emissions of methane, a greenhouse gas.	S	ARB would adopt regulations governing the emissions of methane during the transport and combustion of this fuel. BAAQMD would adopt regulations governing the emissions of methane during the storage and dispensing of this fuel.	LS
TCMs 11 and 12 would result in a small increase in vehicle miles traveled and consequently an increase in emissions of particulate matter (PM <sub>10</sub> ).	LS	None recommended or required	LS
The stationary source control measures would result in a beneficial effect on air quality through a net reduction in emissions of reactive hydrocarbons and oxides of nitrogen.	B	None recommended or required.	B
An increase in stratospheric ozone depleting substances, toxic air contaminants and substances contributing to global warming may occur for stationary source control measures.	S	The BAAQMD would adopt regulations that would restrict the use of chemicals which are ozone depleting, contribute to the greenhouse effect or which would be toxic air contaminants in the reformulation of the coatings.	LS

S = Significant  
 LS = Less than Significant  
 B = Beneficial  
 SU = Significant Unavoidable

TABLE 2-1 (Continued)

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
The increased use of incinerators to achieve regulatory standards for ROG would increase combustion emissions of NO <sub>x</sub> and CO.	LS	The BAAQMD permit process would limit the emissions of NO <sub>x</sub> and CO from control measures that might utilize incineration for compliance.	LS
Control measures to reduce emissions of NO <sub>x</sub> may utilize ammonia, a hazardous material, to reduce emissions of NO <sub>x</sub> .	S	The BAAQMD would adopt regulations limiting the emission of ammonia from add-on controls using ammonia to control NO <sub>x</sub> emission standards.	LS
<b>4.2 TRANSPORTATION</b>			
The transportation control measures and the mobile source measures (G3, H1, H3 and contingency measures H2, H4 and G4) would reduce trips and vehicle miles traveled by increasing the cost of vehicular traffic, improving transit alternatives and encouraging people to take transit. This would result in an overall benefit to regional traffic in terms of reduced congestion and increased vehicle speeds.	B	None recommended or required.	B
The TCMs would encourage people to use transit or reduce trips rather than drive. This would tend to create parking overflows into neighborhoods surrounding transit stations and major employers (those required to charge parking fees according to the Trip Reduction Rule).	S	Implementation of TCM 5 (preparation and implementation of transit access plans).  Preparation and implementation of parking control plans by developers, transit operators, cities, and counties for areas surrounding transit stations.  Preparation and implementation of parking overflow control plans by employers required to charge for employee parking.	SU
Increased traffic on local streets and highways serving transit (bus, rail, ferry) stations and park and ride lots. This increase would be due to transit improvements plus land use policies to increase development intensities in	S	TCM 5 (preparation and implementation of transit access plans)	SU

S = Significant  
 LS = Less than Significant  
 B = Beneficial  
 SU = Significant Unavoidable



TABLE 2-1 (Continued)

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
the vicinity of transit stations.		<p>Preparation and implementation of traffic control plans by developers, transit operators, cities, and counties for areas surrounding transit stations.</p> <p>Traffic access and control plans would include measures such as installation of additional traffic control devices (stop signs and traffic signals), installation of traffic diverters, improved guide signing, improved parking lot driveway design, improved pick-up/drop-off area design, street widenings, and the construction of new streets in the vicinity of transit stations, plus the transit access improvement measures contained in TCM 5.</p>	
TCM 7 would result in potentially significant increases in traffic on local streets and highways serving ferry terminals.	S	Ferry operators and MTC would develop and implement traffic access and control plans for each ferry terminal. These plans would include measures specified above.	SU
TCM 8 would result in potentially significant increases in parking overflows onto local streets in the vicinity of park-and-ride lots supporting the high occupancy vehicle (HOV) lanes.	S	Caltrans and responsible cities and counties would prepare parking impact studies and mitigation programs for each proposed park-and-ride lot. Several of these measures may require joint implementation by Caltrans and local agencies. The mitigation programs would include actions such as setting up residential parking permit programs, reducing on-street parking time limits, increasing parking limit enforcement, installing parking meters, increasing parking meter rates, and increasing fines for parking violations, etc.	SU
TCM 8 would potentially result in an increase in traffic accidents where vehicles would enter and leave the HOV lanes.	S	Caltrans would develop and incorporate into updated regional HOV system plan recommendations for improved designs for HOV lanes that provide safer entry and exit locations for HOVs.	LS

S = Significant  
 LS = Less than Significant  
 B = Beneficial  
 SU = Significant Unavoidable

TABLE 2-1 (Continued)

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
TCM 11 would result in significant increases in traffic congestion and delay on local streets due to freeway ramp metering.	S	Caltrans would develop and implement a traffic control plan for each facility to be metered. Traffic control plans would include measures specified in TCM 12, such as optimization of current signal coordination on affected local streets, installation of improved traffic control and coordination devices (new controllers, interconnect conduit, master controllers, and new traffic signals), installation of traffic diverters to prevent diversion to side streets, improved guide signing, peak period parking prohibitions, and local street widenings.	SU
TCM 13 could result in significant increases in transit ridership that might cause significant overloading of transit vehicles.	S	Implementation of TCMs 3 and 4, transit and rail service expansions, would mitigate this effect.	LS
TCM 18 would result in potentially significant increases in parking overflows and traffic on local streets and highways serving rail transit stations.	S	Cities and counties would require developers to prepare and implement parking control plans to detect and correct overflow parking problems. The mitigation program would include actions such as setting up residential parking permit programs, reducing on-street parking time limits, increasing parking limit enforcement, installing parking meters, increasing parking meter rates, and increasing fines for parking violations.  Cities and counties would prepare and implement traffic access and control plans for each transit station.	SU
<b>4.3 LAND USE AND PLANNING</b>			
The TCMs could disrupt the physical arrangement of established communities indirectly by changing the jobs/housing balance.	S	The BAAQMD would encourage city and county governments to amend General Plans and Zoning Codes to allow for mixed use developments.	LS

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S = Significant

LS = Less than Significant

B = Beneficial

SU = Significant Unavoidable

TABLE 2-1 (Continued)

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
The TCMs would reduce parking needs of employment and commercial centers, thereby making land available for other uses.	B	None recommended or required.	B
TCMs would reduce nuisance impacts from traffic noise to surrounding existing land uses.	B	None recommended or required.	B
TCMs would alter the existing land use mixes causing a conflict with existing general plans and zoning.	S	The BAAQMD would encourage the responsible governmental agencies to amend general plans and CMPs.	LS
TCMs could result in the disruption or division of the physical arrangement of an established community.	S	Transit authorities responsible for rail extensions resulting from implementation of the CAP would be encouraged by the BAAQMD to locate new rail lines and stations underground where they would otherwise conflict with established communities.	SU
TCMs would alter the pattern of land use to encourage development which minimizes auto dependence and concentrates growth near transit stations.	S	The BAAQMD would encourage city and county governments to amend general plans to include air quality elements and allow for high densities around transit stations and mixed-use development.	LS
TCMs could conflict with growth management policies of local jurisdictions by inducing growth near transit stations.	S	The BAAQMD would encourage local jurisdictions to modify growth management policies to allow high density mixed-use development nodes near transit centers.	LS
TCMs would induce substantial growth or concentration of population around transit stations and disrupt the physical arrangement of established communities.	S	The BAAQMD would encourage city and county governments to amend general plans to allow for high density and mixed-use zoning near transit stations.	LS

#### 4.4 POPULATION, EMPLOYMENT AND HOUSING

S = Significant  
 LS = Less than Significant  
 B = Beneficial  
 SU = Significant Unavoidable

TABLE 2-1 (Continued)

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
TCMs would result in the employment of transit coordinators, by government agencies and private employers.	B	None recommended or required.	B
TCMs 1 and 2 may contribute marginal pressure toward a redistribution of housing value, increasing values in proximity to transit facilities and reducing values at other housing locations.	LS	None recommended or required.	LS
Construction projects to implement mobility improvements would create additional employment in construction industries.	B	None recommended or required.	B
Expanded bus and rail transit operations would provide new jobs for vehicle operators, maintenance workers and administrative personnel.	B	None recommended or required.	B
Mobility measures should have largely positive effects on business by reducing transportation costs attributable to congestion. This may counteract the increased costs and associated employment impacts of other air quality rules.	B	None recommended or required.	B
Increased transit efficiency may contribute marginal pressure toward a redistribution of housing value, increasing values in proximity to transit facilities and reducing values at other housing locations.	LS	None recommended or required.	LS
Indirect Source Review may increase development costs in certain locations and alter the distribution of employment over the long term. It may also affect the availability, affordability and location of housing.	LS	None recommended or required.	LS

S = Significant  
 LS = Less than Significant  
 B = Beneficial  
 SU = Significant Unavoidable



TABLE 2-1 (Continued)

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
TCMs which encourage high-density development and transit-oriented design in proximity to transit stations and facilities increase the stock of affordable housing, and increase the efficiency and reduce the cost of transit for those who live closer to the stations.	B	None recommended or required.	B
TCM 18 would increase the population and labor force in the region.	S	None available.	SU
The increased costs of transportation due to the market-based measures would have broad repercussions in the regional economy, possibly resulting in lower employment growth.	S	The District should consider whether certain types of businesses, providing essential transportation services should be exempted from the market-based revenue measures.	SU
Stationary source control measures would increase costs for many industries and business. These costs may result in reduced employment or slower employment growth.	S	None available.	SU
<b>4.5 PUBLIC HEALTH AND SAFETY</b>			
TCMs would reduce the concentrations of ozone, CO, NO <sub>2</sub> , and benzene present in the region's air, and would consequently reduce an existing potential public health hazard.	B	None recommended or required.	B
TCMs could involve the use of alternative fuels which may present potential health and safety hazards.	S	Potential health and safety effects from other possible alternative fuels would be considered, and mitigation measures developed, prior to requiring the use of such fuels in vehicle fleets.	LS
Contingency Measure H4, if implemented, would reduce diesel exhaust emissions from urban buses thereby	B	None recommended or required.	B

S = Significant  
 LS = Less than Significant  
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 SU = Significant Unavoidable

TABLE 2-1 (Continued)

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
reducing an existing public health hazard.			
Implementation of control measure H3 and Contingency Measure H4 would increase electrical usage for vehicles and electricity distribution system development, which would increase human exposure to EMF.	LS	None recommended or required.	LS
Implementation of stationary source control measures A1 through A13, A18, and A19 may reduce hazardous waste generation by reducing or replacing existing solvent uses in manufacturing and clean-up processes.	B	None recommended or required.	B
Implementation of stationary source control measures A1, A2, A3, A5 through A13 and A18 may increase emissions of substances that are toxic as a result of reformulations with non-precursor or "exempt" solvents.	S	The BAAQMD would adopt regulations which would not allow the use of chemicals which are ozone depleting, contribute to the greenhouse effect, or which would be toxic air contaminants, in the reformulation of coatings.	LS
<del>Implementation of stationary source control measures A9, A14, A15, B1, B3, B5, B6, C4, E1, and E4 may involve increased generation of solid and liquid hazardous waste from spent or regenerated activated carbon.</del>	<del>S</del>	<del>None recommended or required.</del>	<del>LS</del>
Implementation of control measures A9, A14, A15, B1, B3, B5, B6, C4, E1 and E4 may involve increased generation of solid and liquid hazardous waste from spent or regenerated activated carbon. Generators of hazardous waste would be required to comply with applicable federal, State and local agency laws and regulations and therefore this would be a less than significant impact. <del>This would be a significant impact.</del>	<del>S</del> LS	<del>Generators of solid and liquid hazardous waste would be obligated to follow federal, State and local laws and regulations for proper storage, handling and disposal of such wastes.</del> None recommended or required.	LS

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 SU = Significant Unavoidable

TABLE 2-1 (Continued)

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
Implementation of stationary source control measures B1 through B6 and C1 through C6, and F4 would act to reduce emissions of benzene and would reduce public health risks associated with such emissions.	B	None recommended or required.	B
Implementation of stationary source control measure B4, C1, C2, and C3 would reduce vapor leaks of flammable materials and reduce the fire hazard associated with such leaks.	B	None recommended or required.	B
Implementation of stationary source control measures D1 through D4 could involve the use of ammonia and catalyst materials, and could create potential health impacts from increased ammonia production, transport, storage, and use. Spent catalyst materials would also contribute to an increase in hazardous waste for disposal.	S	The BAAQMD would consider alternatives to methods which use ammonia as a reducing agent when promulgating requirements for NO <sub>x</sub> emission reduction technologies and would consider the design of ammonia storage and handling equipment during the permit review process for individual facilities.	LS
<b>4.6 PUBLIC SERVICES AND UTILITIES</b>			
Implementation of TCMs would place additional demands on human resources at public agencies. If city, county or regional public agencies were unable to handle the additional demand, this would be a significant public services impact.	S	This impact would be reduced to a less than significant level by hiring more employees as resource needs arise. Funding mechanisms would need to be put in place to cover additional costs incurred for implementation of these measures.	LS
Implementation of TCMs would reduce vehicle trips. This would be a beneficial effect on public services.	B	None recommended or required.	B
Implementation of TCMs would result in construction and/or improvement of transit-related and housing facilities. A significant public services impact would occur if storm sewer capacities were exceeded due to	S	Construction plans for specific mobility improvements would be reviewed by the permitting agency to minimize drainage system demand and flood hazards. For projects where flood hazards are inevitable, flood control measures and drainage	LS

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TABLE 2-1 (Continued)

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
redirected drainage patterns.		systems would be designed or expanded to accommodate new drainage requirements.	
Implementation of TCMs would require coordination between neighboring jurisdictions on signal timing and other strategies. This would be a less than significant impact.	LS	None recommended or required.	LS
Implementation of TCMs would create increased demand on local services and utilities for high-density residential housing or commercial development. If the infrastructure was not equipped to handle the increased demand, this would be a significant public services and utilities impact.	S	<p>This impact would be reduced to a level of insignificance through local government verification of appropriate utility capacities prior to approval of development and provision of on- and off-site utility system improvements to meet requirements, if necessary.</p> <p>Water and solid waste conservation techniques should be required by local permitting agencies to reduce project service demand.</p>	LS
Implementation of TCM 18 would lower per capita consumption rates of municipal and domestic water supply due to increased development densities. This would be a beneficial public utilities effect.	B	None recommended or required.	B
Implementation of mobile source control measures would require certain fleet operators to purchase and operate cleaner vehicles. This would be a significant public services and utilities impact.	S	This impact could be reduced by garnering more resources to pay for equipment and personnel.	LS
Implementation of certain stationary source control measures would encourage facilities to use pollution control devices that generate hazardous waste. If the local infrastructure was unable to handle the additional hazardous-waste related demands, this would be a	S	Control device residues, e.g., spent activated carbon, would be regenerated or recycled, whenever possible, to reduce quantities of hazardous waste generated.	LS

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 SU = Significant Unavoidable



TABLE 2-1 (Continued)

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
significant public services and utilities impact.		<p>Facilities that generate hazardous waste must comply with all applicable federal, State, and local regulations regarding the proper handling, storage, transport, and disposal (including land disposal restrictions) of hazardous waste. These requirements include, but are not limited to, those stated in Section 40 of the Code of Federal Regulations and Title 22 of the California Code of Regulations.</p> <p>The BAAQMD would encourage local cities and counties to consider additional requirements for emergency response workers and enforcement officers when assessing staffing and equipment requirements.</p>	
Implementation of stationary source control measures would encourage facilities to use pollution control devices that consume water. This would be a significant utilities impact.	S	None available.	SU
Implementation of certain stationary source control measures may result in a decrease in hazardous waste produced at the respective facilities. This would be a beneficial public services effect.	B	None recommended or required.	B
Implementation of certain stationary source control measures would result in a fire safety advantage. This would be a beneficial public services effect.	B	None recommended or required.	B
Implementation of stationary source control measures would cause many industries to utilize ammonia injection (noncatalytic) and selective catalytic reduction (SCR) control technologies which use and generate hazardous substances. If the local infrastructure was unable to handle the additional hazardous substance-	S	Facilities that generate hazardous waste must comply with all applicable federal, State, and local regulations regarding the proper handling, storage, transport, and disposal (including land disposal restrictions) of hazardous waste. These requirements include, but are not limited to, those stated in	LS

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TABLE 2-1 (Continued)

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
related demands, this would be a significant public services and utilities impact.		<p>Section 40 of the Code of Federal Regulations and Title 22 of the California Code of Regulations.</p> <p>The District would encourage local cities and counties to consider additional requirements for emergency response and health department workers when assessing staffing and equipment requirements.</p> <p>Ammonia injection and SCR control device residues would be regenerated or recycled, whenever possible, to reduce quantities of hazardous materials and waste.</p>	
Implementation of stationary source control measures may increase methanol-fueling for small turbines, or those not equipped with SCR. This would be significant public services impact.	S	This impact could be reduced to a less than significant level through hiring of additional emergency response personnel and preparation of methanol-specific emergency response plans for facilities known to use methanol fueling techniques. Emergency response plans would be developed to include health and safety requirements for emergency response workers and facility descriptions.	LS
Implementation of stationary source control measures would result in temporary, decreased use of devices that can cause fires, spills, and accidents. This would be a beneficial public services effect.	B	None recommended or required.	B
<b>4.7 ENERGY</b>			
Implementation of the TCMs would reduce VMT and increase commuter use of alternative modes of transit. This would be a beneficial energy effect.	B	None recommended or required.	B
Implementation of the TCMs would reduce VMT and increase vehicle speeds. This is a potentially beneficial	B	None recommended or required.	B

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TABLE 2-1 (Continued)

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
energy effect.			
Implementation of TCMs would utilize energy for construction. This would be a potentially significant energy impact.	S	During subsequent CEQA review, local government agencies, transit operators, Caltrans, and MTC (where appropriate) would conduct an analysis of construction alternatives for each proposed project that would evaluate the energy demand so that suggestions could be made regarding the least energy intensive methods.	LS
Operation of new alternative transit lines would consume energy.	LS	During CEQA review, project-specific energy analysis would be conducted to evaluate the energy efficiency of the project and determine whether additional conservation mechanisms are available to reduce energy consumption.	LS
The Indirect Source Review control program would encourage energy-saving developments in the Bay Area.	B	None recommended or required.	B
Implementation of TCM 18 would result in energy demand to provide services to the high-density residential development.	B	None recommended or required.	B
Implementation of Contingency Measure H2, "High Polluting Vehicle Retirement Program," would improve fuel efficiency through replacement of older vehicles.	B	None recommended or required.	B
Implementation of Measure H3 could increase demand among certain fleet operators to purchase and operate clean fuel vehicles. This would be a significant impact.	S	Technologies are being developed that would reduce the energy loss due to combustion inefficiencies. However compared to petroleum, these engines would still be less efficient in the next decade. New methanol resources may need to be developed due to increased demand.	SU
Implementation of certain stationary control measures would result in the use of additional pollution control	S	Pollution control devices would be reviewed and approved based on energy efficiency standards developed under F3,	LS

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TABLE 2-1 (Continued)

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
devices that consume energy.		"Promotion of Energy Efficiency."	
Some facilities may choose electrification as the option for compliance with Measure D1.	S	All operations would be evaluated to maximize energy efficiency.	LS
F3, "Promotion of Energy Efficiency" would establish a goal of increasing energy efficiency within the District by a specified amount.	B	None recommended or required.	B
Implementation of G1 and G2 would result in temporary, decreased use of devices that consume energy.	B	None recommended or required.	B
<b>4.8 BIOLOGICAL RESOURCES</b>			
The CAP would result in the overall improvement of the air quality in the San Francisco Bay Area, and improved air quality would be beneficial to biotic resources in the region.	B	None recommended or required.	B
Transportation Control Measures 3, 4, 5, 7, 8 and 9 would all involve the construction of structures and/or facilities in support of these measures, such as transit stations, HOV lanes, and bicycle facilities. If these new structures and/or facilities are located in sensitive habitats, they may result in significant impacts to sensitive plant and/or animal species.	S	All jurisdictions with facility siting authority should conserve sensitive environments by preserving these areas whenever possible or compensating for the loss of the resource where feasible and avoidance is not possible. Preservation of those lands should be accomplished through regulatory controls, incentive measures, and direct local jurisdiction expenditures. Local and State jurisdictions with siting review authority are responsible for implementing proper siting controls to ensure the protection of sensitive habitats, and species of plants and wildlife.	LS
Possible changes in land use that may result from indirect source rules and high-density zoning near transit	S	See mitigation measure above concerning preserving sensitive habitats.	LS

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TABLE 2-1 (Continued)

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
stations could result in significant impacts to sensitive habitats and species.			
Contingency Measure H4, if implemented, could result in the need to increase the production of electrical energy to support the measure. If added electrical energy sources are required, more hydroelectric facilities or other types of electrical generating facilities may need to be developed. If these new structures and/or facilities are located in sensitive habitats, they may result in significant impacts to sensitive plant and/or animal species.	S	See mitigation measure above concerning preserving sensitive habitats.	LS
<b>4.9 GEOLOGY, SOILS AND SEISMICITY</b>			
Implementation of the following control measures -- TCMs 3, 4, 5, 7, 8, 9, and 18 -- would involve grading, excavation or other earthmoving activities which could cause disruptions, displacements, compaction or overcovering of soils; changes in ground surface relief features; and erosion. If Contingency Measure H4 is implemented, it would also contribute to this impact.	S	Construction projects associated with CAP control measures should both minimize grading and excavation, and balance import and export of earth materials to the extent feasible given project design.  Grading and excavation for projects associated with the CAP should be performed so as to cause minimal erosion. Where necessary, projects should include grading and erosion control plans. Techniques to minimize erosion should include, but not be limited to, avoiding winter earth moving activities where feasible, leaving rough graded surfaces to facilitate re-vegetation, using coverings and mulches on disturbed areas, and replanting as soon as possible after construction.	LS
Implementation of TCMs 3, 4, 5, 7, 8, 9, and 18 cited above may cause development in areas of geotechnical hazards such as earthquake faults, subsidence or	S	Where specific development projects associated with CAP control measures are located in areas of potential geologic hazard, project-specific geologic reports should be required	LS

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TABLE 2-1 (Continued)

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
liquefaction areas, or landslides. Such development could expose people and property to geologic hazards.		to evaluate the hazards and to propose design and/or construction methods to reduce the effects of the geologic condition(s) on the project. Geotechnical reports would be prepared by a geologist registered in the State of California.	
<b>4.10 HYDROLOGY AND WATER QUALITY</b>			
Implementation of the TCMs would reduce commuter vehicle trips, thereby reducing automobile-related water pollution.	B	None recommended or required.	B
Implementation of TCMs 3, 4, 5, 7, 8, 9 and 18 could result in degradation of surface water and groundwater quality through construction-related sediment and chemicals. This would be a potentially significant impact.	S	All construction projects must comply with individual city and county policies for building and grading operations. In addition, local building authorities would be encouraged to require that a spill prevention and control plan be implemented for all construction activities.	LS
Implementation of TCMs 3, 4, 5, 7, 8, and 9 would result in construction and/or improvement of transportation facilities. Flood hazards may be caused by redirected drainage patterns. This would be a significant hydrology impact.		All construction plans associated with transportation facilities would be subject to environmental review and would be reviewed by local jurisdictions to minimize flood hazards and drainage system demand. For projects where flood hazards are inevitable, flood control measures and drainage systems would be designed or expanded (flood-proofed) to accommodate new drainage capacity requirements.	
Implementation of TCM 7 (improved ferry service) could result in decreased water quality in the vicinity of ferry routes from increased turbidity and possible fuel spills.	LS	None recommended or required.	LS
Implementation of many stationary source control measures may result in pollution control devices that generate hazardous waste. This would be a potentially significant water quality impact.	S	Facilities that generate hazardous waste must comply with all applicable federal, State, and local regulations regarding the proper handling, storage, transport, and disposal (including land disposal restrictions) of hazardous waste.	LS

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TABLE 2-1 (Continued)

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		These requirements include, but are not limited to, those stated in Section 40 of the Code of Federal Regulations and Title 22 of the California Code of Regulations. Compliance with all necessary regulations would reduce this impact to a less than significant level. Where possible, facilities would use recyclable or regenerative control devices to reduce the amount of hazardous waste generated.	
Implementation of A4, A5, A6, A13, A17, and A18 would decrease the amount of hazardous wastes generated at regulated facilities.	B	None recommended or required.	B
Implementation of measures D1 through D5 would cause many facilities to utilize SCR and ammonia injection (noncatalytic) control technologies. These technologies use and generate hazardous substances, and this would be a potentially significant impact on local water resources.	S	Local health departments would be encouraged to require facilities that utilize SCR or ammonia injection (noncatalytic) technologies to implement an inspection and maintenance program to eliminate the plugging and corrosion downstream from the reactor.  All facilities that utilize SCR or ammonia injection (noncatalytic) would comply with all NPDES requirement for industrial wastewater and surface water discharges. Deposits would be removed from the pollution control system using water or steam soot blowing techniques. Wash water may need to be treated as hazardous waste prior to discharge.	LS
Implementation of measures D1 through D7 would decrease NO <sub>x</sub> emissions and decrease the amount of acid deposition in the Bay Area.	B	None recommended or required.	B

#### 4.11 NOISE

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TABLE 2-1 (Continued)

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
In general, the TCMs, measure G3 and Contingency Measure G4 would reduce vehicle miles travelled and, therefore, reduce noise. At the same time these measures would increase vehicle speeds and increase noise. If there is a net increase in ambient noise levels, a significant impact would occur where noise levels in adjacent areas would exceed local or State noise standards or where adjacent areas are currently designated as noise-impacted.	S	Many mitigation measures for highway noise have been included in the construction of existing highways and adjacent developments. These include adequate separation of proposed development areas from freeways and arterials, construction of sound barriers, installation of landscape noise buffers, installation of noise insulation in residential units and other design techniques, and coordination with local city and county general plans. Existence of these mitigation measures could reduce the noise impacts to a less than significant level. On the other hand, in situations where highway noise is not sufficiently buffered, unavoidable significant impacts may occur.	SU
Noise generated by construction of new transit lines and other transportation improvements (TCMs 3, 4, 5, 7, 8 and 9) would cause short-term, local impacts on ambient noise levels.	S	Construction adjacent to sensitive receptors (residences, hospitals, etc.) would be limited by contract in conformance with local regulations. Local planning authorities would also consider limiting, by contract, construction on weekends or federal holidays. Construction equipment would be required to be muffled or controlled.	SU
TCMs 4, 5, and 6 would encourage the use of new rail transit. Localized noise impacts would occur in areas adjacent to the rail lines, if ambient noise levels would exceed local or State noise standards or if the adjacent areas are currently designated as noise-impacted.	S	Mitigation measures include adequate separation of proposed development areas from rail lines, construction of sound barriers, installation of landscape noise buffer, installation of noise insulation in residential units and other design techniques, and coordination with local city and county general plans.	LS
Noise generated by construction of high-density housing (TCM 18) would result in a short-term, localized, significant noise impact.	S	See mitigation measure above.	SU
TCM 18 would encourage high density zones at transit stations. The concentration of residential and transit	S	Residential units sited in areas that may potentially be exposed to noise levels greater than the local or State Land	LS

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TABLE 2-1 (Continued)

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
land uses would result in increased noise exposure for sensitive receptors and would cause a significant impact if noise levels exceed local or State noise standards.		<p>Use Compatibility Standards would require a more detailed noise analysis prior to construction.</p> <p>Building types identified in the local or State Land Use Compatibility Standards would be located or architecturally designed so the interior noise level would not exceed 45 CNEL with the windows closed.</p> <p>Potential noise impacts would be evaluated as part of the design review for all projects. If determined to be significant, mitigation measures would be identified and alternatives suggested. As a minimum, all multi-family housing would comply with Title 24 of the California Administrative Code, requiring indoor noise levels not exceed 45 dBA CNEL.</p>	
Implementation of Urban Bus System Electrification would result in decreased ambient noise levels.	B	None recommended or required.	B
Implementation of certain stationary source control measures may result in additional pollution control devices that generate noise. This would be a significant noise impact if noise levels in adjacent areas would exceed local or State noise standards or where adjacent areas are currently designated as noise-impacted.	S	Where necessary to comply with local noise standards, outdoor, noise generating, pollution control equipment would be muffled by sound attenuating devices or separated from sensitive receptors by sound walls.	LS
<b>4.12 CULTURAL RESOURCES</b>			
Implementation of the following control measures -- TCM 3, 4, 5, 7, 8, and 9 -- may involve construction within areas of significant cultural or historical value, or in areas with previously undiscovered archaeological	S	To determine the existence of cultural resources at potential development sites, and to weigh the significance of such resources, site surveys and records checks would be conducted as part of project environmental review. On the	LS

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TABLE 2-1 (Continued)

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
sites.		basis of this information, areas found to contain valuable resources would be developed in a manner designed to preserve the resources to the extent feasible. Alternatively, consideration would be given to relocating projects which conflict with significant cultural or historical resources to different sites where adverse cultural impacts will be reduced or will not occur. Site surveys and records checks as well as avoidance or limitation of archaeological impacts will be performed in conformity with the guidelines contained in Appendix K of the CEQA Guidelines. Such conformity would entail, but not be limited to, preparing an excavation plan and securing payments for the costs of mitigating effects on important archaeological resources.	
Changes in land use policies associated with implementation of TCM 18, "High Density Zones at Transit Stations," may entail development that affects areas of neighborhood or ethnic cultural or historical value.	S	Local planning agencies should include preservation of cultural resources as a criterion in evaluating areas at transit stations for high-density zoning.	LS
<b>4.13 VISUAL QUALITY AND AESTHETICS</b>			
Both mobile and stationary source control measures would decrease air pollutant emissions and smog, thereby improving air quality and increasing visibility. The region's features would be visible more often and for a greater duration as combustion emissions decrease.	B	None recommended or required.	B
The addition of HOV Lanes (TCM 8) could result in adverse visual impacts if trees, landscaping, medians or soundwalls are removed to accommodate widened roadways. New soundwalls constructed along freeways could also result in adverse visual effects if view	S	Visual features such as trees, landscaping, planted medians and soundwalls should be inventoried and evaluated for visual importance during environmental review of an HOV lane or rail project. Wherever possible, visually important features would be retained. Trees, shrubs and groundcover	SU

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TABLE 2-1 (Continued)

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
obstruction from adjacent land uses occurs.		should be replaced by fast-growing species that are tolerant of the freeway conditions. A maintenance program should be designed and implemented to ensure survival of the plantings.	
The construction of rail extensions (TCM 4) and rail access improvements (TCM 5) could result in adverse visual impacts if design, construction or operation of new systems resulted in substantial visual change, incompatible land uses, conversion of open space lands, removal of vegetation, and/or obstruction of views.	S	Proposed improvements would be subject to separate local and regional environmental review procedures, depending upon jurisdictional requirements. Projects may be subject to review by design or planning commissions, city or community councils, and public works departments.	SU
Electrification of the urban bus system would result in adverse visual impacts if the system utilized overhead wires.	S	In extremely sensitive visual areas, buses that operate on dual power sources (electric and fuel) in order to eliminate overhead wires.	SU
Decreasing use of private motor vehicles may result in visual impacts as vehicles are abandoned or parked for long periods of time.	LS	Surface parking lots and parking garages should be converted to other uses such as urban parks or building opportunity sites. Subsequent development would be subject to environmental review to minimize visual impacts. Abandoned vehicles should be towed after local parking authorities determine that the vehicle has been abandoned. Wrecking yards would be screened from view by walls, fences, landscaping or combinations of these.	LS
Local visual quality could be affected as trip reduction measures de-emphasize regional employment and commercial centers and result in an intensification of urbanized land uses in satellite areas or near transit centers.	S	During CEQA review and architectural review by local governments, design guidelines which direct building height, massing, setbacks, stepbacks, sunlight penetration and building materials should be applied to new residential housing or regional employment nodes that are constructed as a result of implementation of the CAP.	LS

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### **3. REVISIONS TO THE DRAFT ENVIRONMENTAL IMPACT REPORT**

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### 3. REVISIONS TO THE DRAFT ENVIRONMENTAL IMPACT REPORT

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#### 3.1 TEXT CHANGES

##### INTRODUCTION

The following material identifies changes to the text of the Draft EIR, July 1991. These changes result from comments made by the public and public agencies during the public review period on the Draft 1991 CAP and Draft EIR. For a discussion of revisions to the Draft CAP, please refer to Section 1.3 in the Introduction of this Final EIR.

Changes made to the impacts and mitigation measures contained in the Draft EIR are noted in Section 3.1 of this document and in responses to comments elsewhere in this report. In order to avoid redundancy, these changes are not repeated in this chapter of the document.

##### THE REVISIONS TO THE TEXT OF THE DRAFT EIR

- o The fourth mitigation measure on page 2-10 of the DEIR is revised to read:
  - Methanol-fueled, compressed natural gas fueled, or electric buses would be used where transit districts determined they were feasible.
- o The following text is inserted after the first sentence for the first complete mitigation on page 2-11 of the DEIR:
  - The increased use of compressed natural gas buses in this fleet would reduce emissions of formaldehyde*
- o The following text is inserted in the first mitigation measure for TCM 8, on page 2-13 of the DEIR, after the second sentence:

*Several of these measures may require joint implementation by Caltrans and local agencies.*

- o The fourth impact on page 2-18 of the DEIR is revised to read:

Implementation of control measures A9, A14, A15 may involve increased generation of solid and liquid hazardous waste from spent or regenerated activated carbon. Generators of hazardous waste would be required to comply with applicable federal, State and local agency laws and regulations and therefore this would be a less than significant impact.

The significance before mitigation is revised to read:

LS

The mitigation measure is revised to read:

None recommended or required.

- o The following impact has been added, on page 2-26 of the DEIR, following the impact for TCMs 3, 4, 5, 7, 8 and 9:

**Implementation of TCM 7 (improved ferry service) could result in decreased water quality in the vicinity of ferry routes from increased turbidity and possible fuel spills.**

The significance before mitigation is:

LS

The mitigation measure is:

*None recommended or required.*

- o The y-axis legend for Figure 3.3, on page 3-20 of the DEIR, showing the maximum 8-hour CO concentration, is revised to read:

Annual 8 Hour Maximum (ppm)

- o The second bulleted item, on page 3-21 of the DEIR, is revised to read:

Finally, emission reductions of up to 75 percent or more for either ozone precursor, or both, may be required to attain the State ozone standard.

- o The second footnote, on page 3-52 of the DEIR, is revised to reflect the date of this document:



2. BAAQMD, Air Quality Handbook, 1989-1990, p. 21.

- o The carbon monoxide exceedances shown in Table 4.1-1, on page 4.1-11 of the DEIR, are revised as follows:

		Year							
		1983	1984	1985	1986	1987	1988	1989	1990
Days $\geq$ 9.1 ppm	State	4	8	20	8	2	4	10	2
Days $\geq$ 9.5 ppm	Federal	4	8	20	8	1	4	9	2

- o Table 4.1-5, on pages 4.1-24 and 4.1-25 of the DEIR, is amended to include the following:

	<u>HC%</u>	<u>CO%</u>	<u>NO<sub>x</sub>%</u>	<u>PM<sub>10</sub>%</u>	<u>CO<sub>2</sub>%</u>
22a Smog-based vehicle registration fee	4.5	4.5	1.2	0.2	1.0
22b Regionwide congestion pricing	5.5	7.5	2.9	1.8	6.5
22c Non-work parking fees	4.6	5.1	4.5	4.2	4.7
22d Gas tax increase (\$2.00/gal)	7.8	7.6	7.8	8.1	8.1

(Total is less than sum due to synergistic effects of measures)

- o The discussion under Impact 4.1-25, on page 4.1-40 of the DEIR, is revised to read:

See discussion under Impact 4.1-24.

- o The discussion under Mitigation Measure 4.1-25, on page 4.1-40 of the DEIR, is revised to read:

See Mitigation Measure 4.1-24.

- o Mitigation Measure 4.1-4(a), on page 4.1-27 of the DEIR, is revised to read:

Methanol-fueled, compressed natural gas fueled, or electric buses would be used where transit districts determined they were feasible.

- o The following text is inserted after the first sentence for Mitigation Measure 4.1-7, on page 4.1-30 of the DEIR:

*The increased use of compressed natural gas buses in this fleet would reduce emissions of formaldehyde (see Impact and Mitigation Measure 4.1-8).*

- o The end of the sentence, "and ramp metering," is deleted from the Standards of Significance for Travel Delay on page 4.2-25 of the DEIR.

- o Table 4.2-8, on page 4.2-29 of the DEIR, is amended to include the following data regarding the percentage reduction in VMT and Vehicle Trips for the components of the market-based measures:

	<u>VMT%</u>	<u>Vehicle Trips%</u>
22a Smog-based vehicle registration fee	0.2	0.1
22b Regionwide congestion pricing	1.8	2.2
22c Non-work parking fees	4.2	5.4
22d Gas tax increase (\$2.00/gal)	8.1	7.6

(Total is less than sum due to synergistic effects of measures)

- o The references to "Construction worker trips" in discussion of individual TCM impacts, pages 4.2-30 through 4.2-54 of DEIR, is deleted. The following general discussion of construction impacts is added to Overview of Impacts discussion on page 4.2-30 of the DEIR after the second paragraph:

All TCMs involving major highway and/or transit construction will generate short term construction worker trips and short term construction delays that are insignificant compared to the trip reduction and/or delay savings generated over the design life of these projects. These impacts are considered to be insignificant and are consequently not discussed for the individual TCMs.

- o The following text regarding TCM 2 is added on page 4.2-31 of the DEIR, immediately following Mitigation Measure 4.2-2:

For this TCM to be most effective it is important that the parking charges be implemented at the same time as other measures are implemented to increase the capacity, availability, and attractiveness of alternative modes of travel. As proposed in the CAP, TCM 2 would provide employers with options for how to comply with the performance standards adopted under this TCM. This TCM is intended to decrease auto commute trips and encourage the use of appropriate alternatives, including transit, carpooling, vanpooling, telecommuting, bikes, and/or walking. If alternative modes are not available, the parking charge, which is not mandatory under Phase 1, could result in parking overflows into non-regulated areas and shifts in employee work/shop locations.

- o The following text regarding TCM 4 is added to the discussion on page 4.2-35 of DEIR, after paragraph three:

The use of residential parking permit programs and other parking control measures to reduce the impact of parking overflows on neighborhoods could have the impact of discouraging the use of public transit, and thus possibly reducing the effectiveness of this TCM below the levels shown in this analysis. However, TCM 5 is intended to encourage the use of public transit by providing alternative ways for people to access rail stations.

- o The following text is inserted in the discussion of TCM 8, on page 4.2-38 of the DEIR, after the second sentence in Mitigation Measure 4.2-12:

*Several of these measures may require joint implementation by Caltrans and local agencies.*

- o The following discussion regarding TCM 8 is added on page 4.2-40 of the DEIR, following the first sentence:

It should be noted, however, that without HOV facilities, much of this traffic would still travel on local streets and roads as single occupant vehicles accessing mixed flow freeway lanes.

- o The following discussion regarding TCM 11 is added on page 4.2-42 of the DEIR, immediately following Mitigation Measure 4.2-17:

Local jurisdictions might have difficulty reconciling State Congestion Management Plan (CMP) requirements to maintain acceptable levels of service with the increased congestion that might result from ramp metering; however, there is an exception in the CMP legislation for ramp metering projects. Other local General Plan level of service standards may be more difficult to reconcile.

- o The following text is added to the discussion of TCM 16 on page 4.2-47 of the DEIR, following the second paragraph:

The effectiveness of this TCM is strongly dependent upon the rules developed to implement and conduct the indirect source review program. The District intends to frame the indirect source rule in such a way that it would encourage infill development and discourage sprawl development on the fringe of the urban area.

- o Impact and mitigation measure 4.5-7, on pages 4.5-13 and 4.5-14 of the DEIR, is revised to read:

Impact

**4.5-7 Implementation of control measures A9, A14, A15 may involve increased generation of solid and liquid hazardous waste from spent or regenerated activated carbon. Generators of hazardous waste would be required to comply with applicable federal, State and local agency laws and regulations and therefore this would be a less than significant impact.**

Mitigation Measure

*4.5-7 None recommended or required.*

- o The following text is added to the second paragraph on page 4.7-5 of the DEIR:

While PG&E is partially dependent on traditional oil/gas-fired electric generating sources, PG&E's electric resources mix is more diverse than other national utilities and includes



hydroelectric, pumped storage, nuclear, geothermal, wind, and purchased power, with the primary source being natural gas.

- o The third sentence of paragraph 4 on page 4.7-8 of the DEIR is amended to read:

CNG is a suitable vehicle fuel that is inexpensive and low emitting. Gasoline vehicles converted to run on CNG have less power than traditional gasoline vehicles, however this is not true for vehicles designed to be run exclusively on natural gas. (J. McKenzie, PG&E. Letter of August 19, 1991.)

- o The following text is added after the third sentence in the last paragraph on page 4.10-1 of the DEIR:

The Lower South Bay, south of Dumbarton Bridge, has relatively little intermixing with water from the northern portion of the Bay. This portion of the Bay is fed predominately by local small creeks and rivers and from the discharge of three wastewater treatment plants.

- o The second and third sentences of the first paragraph under the heading **Groundwater**, on page 4.10-2 of the DEIR, are revised to read:

The Regional Water Quality Control Board (RWQCB) does not maintain a coordinated groundwater network; however, it does have access to some groundwater quality investigations conducted by public and private parties. This data, where available, is used to record existing conditions, establish baseline conditions, evaluate trends in quality, detect pollution and water quality degradation at an early stage, and evaluate the effect of point and non-point source pollution on groundwater quality.

- o The fifth bulleted item, on page 4.10-4 of the DEIR, is revised to read:

City and County Works Departments, and in some cases flood control districts, are responsible for flood control and storm drainage systems with the individual cities and counties.

- o The following text is added after the first paragraph on page 4.10-5 of the Draft EIR:

Beneficial uses for every water body in the Region are selected by the RWQCB in its Basin Plan. The decision about beneficial uses of a particular water body affects decisions such as the degree of pollution control required for discharges to the water body.

- o The following text is added after paragraph 2 on page 4.10-5 of the DEIR:

Several other institutions play important roles in industrial wastewater discharge. First, the RWQCB issues and enforces NPDES permits under authority granted by the EPA. The majority of industrial firms discharge to a local publicly-owned treatment works (POTW), which is responsible for regulating discharge. The POTW must hold an NPDES permit from the RWQCB for its own discharges. About 75 POTWs exist throughout the Bay Area (Roger B. James, Santa Clara Valley Nonpoint Source Pollution Control Program).



- o The first sentence of paragraph 4, on page 4.10-5 of the DEIR, is amended to read:

Bay Area cities and counties may consider, in evaluating local development, whether or not projects meet established water standards and may require modification of projects that would adversely affect water quality.

- o The following text has been added, on page 4.10-17 of the DEIR, following Mitigation Measure 4.10-21:

#### Additional Impacts from Mobility Improvements

The United States Coast Guard inspects ferries operating in the San Francisco Bay annually in order to ensure in part that fire safety and navigation equipment are in proper operating condition. Should additional ferry service be provided, this inspection requirement would apply to existing and new ferries and would serve to limit the potential for an accident resulting in a fuel spill.<sup>1</sup>

Should new or expanded ferry terminals be proposed, such development would require permit issuance by the Bay Conservation and Development District (BCDC). During the permit review process, plans would be reviewed for consistency with the policies of BCDC's Bay Plan. This process would serve to limit the potential for development of new or expanded structures or facilities to create adverse impacts on water quality in their vicinity.<sup>2</sup>

#### Impact

**4.10-22 Implementation of TCM 7 (improved ferry service) could result in decreased water quality in the vicinity of ferry routes from increased turbidity and possible fuel spills.**

Improved ferry service would add incrementally to existing water quality impacts from ferry operation-induced turbidity and possible fuel spills. The existing water quality impacts of ferry operation are not considered to constitute a significant impact. Further, the potential water quality effects of improved ferry service are anticipated to be less than significant.

#### Mitigation Measure

**4.10-22 *None recommended or required.***

- o The following text is added to Chapter 6 of the DEIR, immediately following the section titled "Issues in the Selection of the Alternatives".

## ALTERNATIVES CONSIDERED AND REJECTED

### Alternative

Market-Based Measures Alternative. This alternative would consist of a) stationary source controls as proposed in the CAP and, b) mobile source control measures consisting solely of market-based TCMs.

### Reasons for Rejection

CCAA requires that severe areas adopt all feasible measures as expeditiously as possible and that the CAP include reasonably available TCMs. Time required for legislative approval of market-based TCMs would preclude implementation in Phase 1, and other TCMs are available in Phase 1.

### Alternative

Region-Wide Transit Oriented Growth Alternative. This alternative would consist of a) stationary source control as proposed in the CAP, and b) rezoning of surplus commercially zoned land near transit corridors to residential, with goal of improving jobs/housing balance. This alternative would be similar to ABAG's "Compact Growth Scenario".

### Reasons for Rejection

The District does not have the authority to implement the comprehensive land use controls needed to make this a realistic attainment strategy.

### Alternative

Adopt all Control Measures Alternative. This alternative would consist of the implementation of all stationary and mobile source control measures considered in developing the Draft CAP, (i.e., all measures listed in Table 7 of the Draft CAP).

### Reasons for Rejection

Certain measures listed on Table 7 of the Draft CAP were not considered feasible or practicable for the Bay Area due to technological limitations, poor cost-effectiveness, insignificant emission reductions, enforcement difficulties, legal constraints and public acceptability.

### Alternative

Alternative Ranking Based on Cost-Effectiveness. This alternative would consist of the same control measures as proposed in the CAP, except that control measure implementation would be based solely on cost-effectiveness, with most cost-effective measures being implemented first.

### Reasons for Rejection

As noted above, various factors were considered when evaluating the feasibility of individual control measures. By implementing measures based solely on cost-effectiveness, the District would be ignoring other important technological, environmental, legal and social factors.

#### Alternative

Alternative Ranking Based on Emission Reductions. This alternative would consist of the same control measures proposed in the CAP, except implementation would be based solely on emission reduction potential, with the greatest emission reduction control measures being implemented first.

#### Reasons for Rejection

As noted above, various factors were considered when evaluating the feasibility of individual control measures. By implementing control measures based solely on emission reduction potential, the District would be ignoring other important technological, environmental, legal, social and economic factors.

#### Alternative

All ROG Control Measure Alternative. Under this alternative, the TCMs would remain as proposed in the CAP, while stationary source control measures would consist only of measures to reduce ROG emissions.

#### Reasons for Rejection

The CCAA requires that the CAP control emissions of both ozone precursors, and thus this alternative would not be acceptable under the CCAA. Also, because TCMs would inevitably reduce NOx emissions also, a practical implementation of this alternative did not appear possible.

#### Alternative

All NOx Control Measure Alternative. Under this alternative, the TCMs would remain as proposed in the CAP, while stationary source control measures would consist only of measures to reduce NOx emissions.

#### Reasons for Rejection

The CCAA requires that the CAP control emissions of both ozone precursors, and thus this alternative would not be acceptable under the CCAA. Also, because TCMs would inevitably reduce ROG emissions also, a practical implementation of this alternative did not appear possible.

#### Alternative

Alternative Designed to Reduce Adverse Impacts. Under this alternative, the CAP would be completely revised following environmental impact analysis. Control measures would be deleted or rescheduled to reduce potential adverse impacts.

#### Reasons for Rejection

Most of the environmental impacts of the CAP were anticipated to be beneficial. The District was reasonably certain that most potentially adverse impacts would be able to be reduced to a level of insignificance, and that the significant impacts that might remain

after mitigation would be far outweighed by the environmental benefits that would accrue from the CAP.

- o The following text is added to Chapter 9 of the DEIR, Glossary of Technical Terms and Acronyms, on page 9-2, immediately following the description of the acronym FEMA:

FETSIM Fuel Efficiency Traffic Signal Management Program

- o The second line on page D-3, Volume 2 of the Draft EIR, is revised as follows:

	1992	1993	1994	1995	1996	1997	1998	1999	2000
A9	0	0	3.22	3.30	3.38	3.46	3.51	3.56	3.61

1. Petty Officer Jeff Jones, Marine Pollution Office, U.S. Coast Guard, conversation with EIP Associates on October 11, 1991.
2. Russel Abrahamson, Bay Conservation and Development District, conversation with EIP Associates on October 11, 1991.



#### 4. LIST OF LETTERS

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## 4. LIST OF LETTERS

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<u>Organization</u>	<u>Author</u>	<u>Date</u>	<u>Letter Number</u>
STATE AGENCIES			
Department of Transportation	Gary F. Adams	August 16, 1991	A-1
Air Resources Board	William W. Sylte	August 19, 1991	A-2
California Regional Water Quality Control Board	Steven R. Ritchie	August 16, 1991	A-3
LOCAL AGENCIES			
Town of Danville	Gary V. Patton	August 19, 1991	B-1
City of Fairfield	Bill Daugherty	August 19, 1991	B-2
San Francisco County Transportation Authority	Carmen C. Clark	August 16, 1991	B-3
City and County of San Francisco Department of City Planning	Barbara W. Sahn	August 19, 1991	B-4
AC Transit	Kenneth O. Stanley	August 19, 1991	B-5
Union Sanitary District	James Chen	August 6, 1991	B-6
City of Hayward, Public Works Administration	Dennis L. Butler	August 1, 1991	B-7
Santa Clara Valley Nonpoint Source Pollution Control Program	Roger B. James	August 16, 1991	B-8
City of Newark	Jim Reese	August 15, 1991	B-9
City of San Jose	Gary J. Schoennauer	August 13, 1991	B-10
City of Richmond	Jim Farah	August 14, 1991	B-11
Monterey Bay Unified Air Pollution Control District	Douglas Quetin	July 30, 1991	B-12

## INSTITUTIONS AND ORGANIZATIONS

League of Women Voters	Ora Huth	August 19, 1991	C-1
New United Motor Manufacturing, Inc.	Anthony R. Fisher, Ph.D.	August 19, 1991	C-2
Northern California Building Industry Association	Kassandra R. Fletcher	August 19, 1991	C-3
Sierra Club	R. Clayton Mansfield	August 19, 1991	C-4
Urban Ecology	Gary Farber	August 18, 1991	C-5
National Association of Industrial and Office Parks	Beverley B. Bryant	August 19, 1991	C-6
Pacific Gas and Electric Company	John F. McKenzie	August 19, 1991	C-7
Alameda County Economic Development Advisory Board	Ignacio De La Fuente	August 19, 1991	C-8
Sierra Club Legal Defense Fund, Inc.	Jessica Wooley	August 19, 1991	C-9
Sierra Club Northern California/Nevada	David Pilpel	August 19, 1991	C-10
Small Business Development Corporation	Dehnert C. Queen	August 19, 1991	C-11
Santa Clara County Manufacturing Group	Carl Guardino	August 16, 1991	C-12
Citizens for a Better Environment	Julia May	August 19, 1991	C-13
Southland Mall	David Brown	August 19, 1991	C-14
Heller, Ehrman, White & McAuliffe (for the Taubman Company)	Cynthia L. Koehler	August 19, 1991	C-15
Bay Area Council	Steve Heminger	August 16, 1991	C-16
University of California	Elaine Bild, Ph.D.	August 15, 1991	C-17
Santa Clara Valley Audubon Society, Inc.	Trish Mulvey	July 27, 1991	C-18
Citizens for a Better Environment	Alan Ramo	June 3, 1991	C-19
CALPIRG	Philip Rothschild	July 24, 1991	C-20
Coalition for Effluent Action Now in the South Bay	Greg Karras	July 23, 1991	C-21
Northern California Building Industry Association	Kassandra R. Fletcher	July 24, 1991	C-22
League of Women Voters of the Bay Area	Adelia Sabiston	July 24, 1991	C-23

## INDIVIDUALS

Michael J. Vandeman, Ph.D.	April 20, 1991	D-1
Michael J. Vandeman, Ph.D.	July 14, 1991	D-2
Bob Berry	July 31, 1991	D-3
R.B. Swenson	April 30, 1991	D-4
John Holtzclaw	July 24, 1991	D-5

## TRANSCRIPTS

BAAQMD Board of Directors Meeting	July 3, 1991	E-1
BAAQMD Board of Directors Meeting	July 24, 1991	E-2



## 5. COMMENTS AND RESPONSES

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## 5. COMMENTS AND RESPONSES

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## LETTER A1

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

PETE WILSON, Governor

## DEPARTMENT OF TRANSPORTATION

BOX 7310

SAN FRANCISCO, CA 94120

(415) 923-4444



August 16, 1991

REG000002  
SCH: 90030986

Mr. Henry D. Hilken  
Bay Area Air Quality Management District  
939 Ellis Street  
San Francisco, CA 94109

**RE: DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) for  
the BAY AREA 1991 CLEAN AIR PLAN (CAP)**

Dear Mr. Hilken:

Thank you for including the California State Department of Transportation (Caltrans) in the environmental review process for this important plan. Our comments have been organized in the approximate order of appearance in the DEIR. They are as follows:

### CHAPTER 3: PROJECT DESCRIPTION

Figure 3-3, Bay Area Carbon Monoxide Trends (1979-90) page 3-20 contains a typographical error in the legend. Federal and California Carbon Monoxide (CO) standards should be documented in terms of ppm (parts per million), rather than the ozone standard measure of pphm (parts per hundred million).

### 3.4 DESCRIPTION OF THE 1991 CLEAN AIR PLAN

#### Mobile Source Control Measures

Reference is made on pages 3-28 and 29 to a greatly expanded High Occupancy Vehicle (HOV) lane system envisioned in the 2005 HOV Lane Master Plan, and to "enhancements" such as "direct connections between HOV lanes on intersecting freeways, "slip ramps" to allow carpools and busses to enter and exit HOV lanes directly, and park-and-ride lots." HOV lane installations are only meaningful where a time savings can be achieved by avoiding existing congestion. "Direct

A1-1

A1-2

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connections" have been found to be extremely costly. Planning for a comprehensive system should proceed, however, there must be an awareness that constrained funding availability may limit construction primarily to the worst congestion areas.

A1-3

## CHAPTER 4 : ENVIRONMENTAL SETTING, IMPACTS, and MITIGATION MEASURES

### 4.1 AIR QUALITY

Table 4.1-1, Bay Area Air Pollutant Data Summary, 1983-1990, page 4.1-11, lists the number of days the State/Federal standard for CO was violated in various years. A standard of "> 9.0 ppm" is given. It is our understanding that the Federal 8-hour CO standard is < 9.5 ppm, and the California 8-hour CO standard is < 9.0 ppm, as indicated in Figure 3-3 (assuming the typographical error as stated above). CO 8-hour concentrations up to and including 9.4 ppm would therefore *not* be considered violations of the Federal standard. Furthermore, it is our understanding that while the California Clean Air Act requires using the *highest* 8-hour reading of ambient CO levels, the Federal Clean Air Act and Amendments allows using the *second highest* 8-hour reading. These distinctions indicate that the table might show different numbers of days of Federal/State 8-hour CO standards exceedance.

A1-4

#### Impacts from Employer-Based Trip Reduction Measures

On page 4.1-27, Impact 4.1-5 states "Implementation of TCMs 1 and 2 would result in an increase in vehicles driving to and from transit facilities, causing an increase in localized emissions of carbon monoxide emissions at nearby intersections." (TCMs =Transportation Control Measures) The mitigation measure for this impact states that "if these facilities were found to pose a significant air quality impact, the project sponsor would take actions to reduce this impact, however, this impact would remain significant and unavoidable." This discussion overlooks the benefits at the destination end which result from the reduction of trips. Parking lots for High Occupancy Vehicle Lane (HOVL) and transit users may have negative localized impacts, however, these impacts are balanced by positive impacts at trip destination areas. For example, the reduction in trips which results from the increase in HOVL and transit use corresponds to a decrease in the need to distribute traffic leaving the highway system and the need for local street and



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parking infrastructure. Localized negative impacts at trip origin locations, therefore, are offset by localized benefits at the trip destination locations.

An additional net benefit, which should not to be overlooked, is the reduction in Vehicle Miles Travelled (VMT) realized by transit use and van/car-pooling. This contribution to congestion reduction, and the associated contribution to maintenance of higher speeds and efficient traffic flow on the highways, is regionally beneficial.

#### Impacts from Traffic Operation Management Control Measures

Impact 4.1-11, page 4.1-32, states that Implementation of TCM 11 (Freeway Traffic Operations System (TOS)) (page 3-29) and TCM 12 (Arterial Traffic Management) (page 3-30) would result in a small increase in vehicle miles traveled and consequently an increase in emissions of PM<sub>10</sub> (PM<sub>10</sub> = particulate matter of 10 microns or less). This would be a less than significant impact. It is unclear that these TCMs would result in an increase in VMT. The benefit of these TCMs must be stated in terms of decreasing traffic congestion, which has a positive effect on air quality. Table 4.1-5 page 4.1-24, supports this conclusion by clearly showing that there are significant air quality benefits from both TCM 11 and 12 in all emissions other than PM<sub>10</sub>. TCM 12 does not affect PM<sub>10</sub> emissions whatsoever, whereas, TCM 11 is projected to increase PM<sub>10</sub> emissions by only 0.02 percent, while reducing HC, CO, NO<sub>x</sub>, and CO<sub>2</sub> by 0.42, 0.65, 0.35, and 0.45 percent respectively. Only four of the 21 TCMs slated for Phase 1 implementation result in greater HC reduction, and only two result in greater CO reduction.

## 4.2 TRANSPORTATION

Table 4.2-5, titled Assumptions Used in Analysis of 1991 Clean Air Plan, Transportation Control Measures, page 4.2-22, states "Adopt an indirect source control program that will...provide an opportunity to assess capacity-increasing roads and highways (Indirect Source Control Program, item 16 a. 7). The "Guidance for the Development of Indirect Source Review Programs" (The California Air Resources Board (ARB), July 12, 1990) states, "It is not recommended that highways be included in indirect source control programs. Rather, it is recommended that the mitigation of the air quality impacts of

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highways be accomplished through a system-wide approach involving the regional transportation planning and project implementation process." Caltrans agrees with the ARB position (Please see letter dated July 3, 1991, from Ms. Dianne Steinhauser, Chief, Environmental Engineering Branch, for Mr. Preston W. Kelley, District Director, to Mr. Milton Feldstein, Air Pollution Control Officer, commenting specifically on the topic of including highways in TCM 16 as described in the '91 Draft CAP Addendum.)

According to Impact 4.2-22, page 4.2-46, an indirect source control program would not have significant negative impacts on travel. It appears that despite the title of Table 4.2-5, as it pertains to TCM 16, the DEIR does not include any environmental impact analysis of an indirect source assessment. Surely there would be some potentially negative environmental impacts of extending to roads and highways a concept normally reserved for industrial and commercial sites. For example, there may be continued congestion-related emissions due to delay or cancellation of HOV lanes or projects to alleviate bottlenecks. The impact on the local street and road system would have to be assessed if controls on highways were to be implemented. Without explicit advance discussion and circulation for public and inter-agency review of such impacts, it would be inappropriate for TCM 16 to apply to any road or highway project, capacity-enhancing or otherwise. Extensive mobile source review and control procedures are currently in place. Any additional controls would be redundant and inappropriate.

A1-7

#### Standards of Significance

On page 4.2-25, travel-related impacts are evaluated for travel delay. The inclusion of ramp metering as an example of a measure that increases "the number of stops or reduce average travel speed...", is inappropriate and misleading. Given that ramp meters control access only during periods of excessive demand, the absence of ramp metering during these periods would increase the number of stops, by reducing the average speed on the adjacent freeways due to mainline congestion caused by flow breakdown. Ramp metering is designed specifically to alleviate these problems.

Travel-related impacts were also evaluated for travel discomfort. The narrow definition of travel discomfort as particular to "overcrowding of passengers on transit vehicles" omits the equally



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tangible travel discomfort of highway congestion. The other three criteria - travel delay, travel safety, and parking overflow - do not discriminate in terms of travel mode.

#### TCM 8: HOV lanes on Freeways

On page 4.2-38, Impact 4.2-12 states "TCM 8 would result in potentially significant increases in parking overflows onto local streets in the vicinity of park-and-ride lots supporting the HOV lanes." The mitigation measure states that "Caltrans and responsible cities and counties would prepare parking impact studies and mitigation programs for each proposed park-and-ride lot." (page 4.2-38). A Metropolitan Transportation Commission (MTC) study prepared by Cambridge Systematics (1990) recommended that the optimum size for park-and-ride lots is 300 spaces. In the Bay Area, there are currently no park-and-ride facilities that large. A facility of that size certainly would have parking overflows. The measures discussed for mitigation are beyond the authority of Caltrans.

On page 4.2-39, Impact 4.2-13 reads "TCM 8 would result in potentially significant increases in traffic on local streets and highways serving park-and-ride lots supporting the HOV lanes." It should be noted that without HOVL facilities, many of these vehicles would still travel on local streets and roads as single occupant vehicles accessing mixed flow freeway lanes. Also, any localized negative impacts would be offset by the above described decrease in negative impacts at the destination.

On page 4.2-39, Impact 4.2-14 states "TCM 8 would potentially result in an increase in traffic accidents where vehicles enter and leave the HOV lanes." The mitigation listed calls merely for "safer entry and exit locations for HOVs". We are not aware that a significant problem exists with the present design concept for the Bay Area's contiguous lane philosophy. It should be realized that the buffer design preference implied (entry and exit only at specific points, which is frequently used in the LA area) would require major right-of-way acquisition along Bay Area freeways. The widened corridor would, in most cases, place traffic significantly closer to existing receptors, certainly increasing the number of CO exceedances.

A1-8

A1-9

A1-10

Impacts-From Traffic Operation Control Measures: TCM 11 Freeway  
Traffic Operations System

A1-11

Impact 4.2-17, on page 4.2-42, states that "TCM 11 would result in significant increases in traffic congestion and delay on local streets due to freeway ramp metering." We note that ramp metering and the Traffic Operations System (TOS) are expressly designed to *reduce* congestion and delay. These measures have proven their worth and net benefit in practice at many locations, including the San Francisco-Oakland Bay Bridge and in Santa Clara County. Ramp metering operations in District 4 to date, have *not* resulted in noticeable congestion problems on immediately adjacent city streets. This has been the result of proper management of metering rates. As far as the traffic diversions that have resulted, there is typically a dispersion in time and space that serves to minimize impacts on paralleling routes. HOV bypasses at metered ramps also provide additional incentive to HOV users.

A1-12

Repeated mention of "construction worker vehicle trips" in the discussion of impacts of TCM 11 (pages 4.2-42 and 43), is inappropriate in that these short-duration trips are an insignificant portion of the trips associated with the design life of the facility. This discussion is notably absent from discussion of transit-oriented TCMs involving much more substantial construction. These projects would likely create many "construction worker vehicle trips" as well.

A1-13

General Comments

The demand for increased parking at transit centers which are not within walking distance of housing would be slightly greater than the demand for parking demand associated with HOV lanes or other rideshare type measures such as employee-based measures. This is due to the fact that a car-sharing (HOV) type of commute could involve at least one less car parked at the trip origin site (the park and ride lot) than a transit based commute which carries the same number of passengers.

Drop-off type arrangements for transit nodes, while attractive in terms of alternatives to parking for work-bound commuters, might cause more short cold-start trips, and associated high emissions rates,

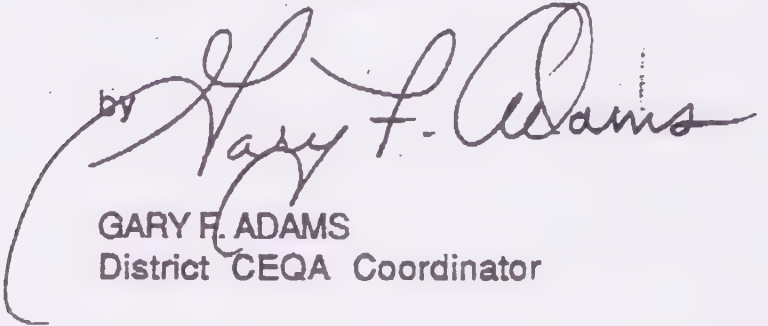
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than would occur if one driver "collected" the other passengers and either parked at a transit location or drove to the destination

Caltrans appreciates the opportunity to comment on this plan. We would like to request a copy of the final EIR. Thank you, in advance. Should you have any questions regarding these comments, please contact Lynne March of my staff at (415) 904-9642.

Sincerely yours,

PRESTON W. KELLEY  
District Director

by 

GARY F. ADAMS  
District CEQA Coordinator

cc: Ken Button, State Clearinghouse  
Susan Pultz, MTC  
Sally Germain, ABAG



## Response to Comment Letter A1

RESPONSE A1-1                      The y-axis legend for Figure 3.3, page 3-20 of the DEIR, showing the maximum 8-hour CO concentration, is revised to read:

Annual 8 Hour Maximum (ppm)

RESPONSE A1-2                      Comment noted.

RESPONSE A1-3                      The carbon monoxide exceedances shown in Table 4.1-1, on page 4.1-11 will be revised as follows to correlate with the differences in the federal and State standards noted in the comment. The exceedances identified in this table are based on the highest values recorded for the Bay Area air basin:

		Year							
		1983	1984	1985	1986	1987	1988	1989	1990
Days > 9.1 ppm	State	4	8	20	8	2	4	10	2
Days $\geq$ 9.5 ppm	Federal	4	8	20	8	1	4	9	2

With respect to the federal eight-hour CO standard, it is the year's second highest reading that is used for attainment classification and attainment planning purposes.

RESPONSE A1-4                      Regional emission reductions resulting from the implementation of TCMs 1 and 2 are reflected in Table 4.1-5 of the DEIR. However, these net regional reductions do not eliminate the potential for localized exceedances which might occur at transit facilities. While implementation of these TCMs would in general have a beneficial effect on air quality, by reducing overall background concentrations of CO in the Bay Area, they may also result in a localized exposure of individuals to concentrations of CO in exceedances of the standards.

RESPONSE A1-5                      While the DEIR acknowledges that the implementation of the TCMs in general results in the reduction in air pollutants (see Impact 4.1-3, pg. 4.1-22 of the DEIR), it is also necessary to identify those TCMs which might have adverse impacts. Regional emission reductions resulting from the implementation of TCMs 11 and 12 are reflected in Table 4.1-5. While the increase in PM<sub>10</sub> has been determined to be less than significant, it must still be identified. Finally, although TCM 12 does not show an increase in PM<sub>10</sub> in Table 4.1-5, because this increase is very small (for Phase 1 only), there is the potential for an increase in VMT, and therefore PM<sub>10</sub>, as reflected in Impact 4.2-18, pg.4.2-43.



RESPONSE A1-6

In contrast to Caltrans, the District believes that capacity increasing road and highway projects should be identified as "indirect sources" and therefore subject to TCM 16.

Although MTC is responsible for determining conformity of transportation projects with the SIP under the terms of the Federal Clean Air Act, this requirement is not sufficient to ensure that road or highway expansion projects do not interfere with attainment of stricter State standards under the terms of the California Clean Air Act (CCAA). The District will evaluate the methodology used in MTC's federal conformity process to identify how to apply or augment it to review capacity-increasing roads and highways and their effect on State air quality standards and CCAA transportation requirements, and how to extend the conformity process to locally funded capacity-increasing roads and highways if federal guidelines fail to do so. The District will consider delegation to MTC if agreeable methodology and criteria are developed.

RESPONSE A1-7

The end of the sentence, "and ramp metering," will be deleted from the Standards of Significance for Travel Delay on page 4.2-25 of the DEIR.

Travel discomfort is the only measure that captures the impacts of over-crowding on transit vehicles. HOV policies that increase auto occupancy would increase the number of people in a car, but over-crowding in autos is not considered a likely negative impact, since standing in a car is not feasible nor legal. The effect of discomfort due to congestion is captured by considering "delay".

RESPONSE A1-8

The following text will be added to the discussion of TCM 8, page 4.2-38 of the DEIR, after the second sentence in Mitigation Measure 4.2-12:

*Several of these measures may require joint implementation by Caltrans and local agencies.*

RESPONSE A1-9

The following discussion regarding TCM 8 will be added on page 4.2-40 of the DEIR, following the first sentence:

It should be noted, however, that without HOV facilities, much of this traffic would still travel on local streets and roads as single occupant vehicles accessing mixed flow freeway lanes.

RESPONSE A1-10

Comment noted.

RESPONSE A1-11

The commenter notes that "ramp metering to date has not resulted in noticeable congestion problems." The analysis conducted in the DEIR is conservative and therefore has not excluded the possibility

that although there is currently no congestion problem on local streets as a result of ramp metering projects, congestion may be a potential impact in the future. This impact was found to be significant and unavoidable because the District cannot be certain that the mitigation measures proposed in the DEIR would be sufficient to reduce this potential significant impact to a less than significant level in every instance. The District believes that the implementation of TCM 11 would have a net beneficial effect on transportation; however, there is the potential for localized transportation impacts.

**RESPONSE A1-12**

The references to "Construction worker trips" in discussion of individual TCM impacts, pages 4.2-30 to 4.2-54 of DEIR, will be deleted. The following general discussion of construction impacts will be added to the Overview of Impacts discussion on page 4.2-30 of the DEIR after the second paragraph:

All TCMs involving major highway and/or transit construction will generate short term construction worker trips and short term construction delays that are insignificant compared to the trip reduction and/or delay savings generated over the design life of these projects. These impacts are considered to be insignificant and are consequently not discussed for the individual TCMs.

**RESPONSE A1-13**

This effect was taken into account in predicting the net VMT, trip, and emission reductions for the TCMs involving transit centers and HOV park and ride lots.

## AIR RESOURCES BOARD

1102 Q STREET  
P.O. BOX 2815  
SACRAMENTO, CA 95812



August 19, 1991

Mr. Henry Hilken, Planner  
Bay Area Air Quality Management District  
939 Ellis Street  
San Francisco, California 94109

Dear Mr. Hilken:

I am writing in regard to the Socioeconomic Report for the Bay Area 1991 Clean Air Plan. The Report provides an overview of the economic effects of implementing control measures proposed in the plan. It is of considerable help in understanding the costs and, to a lesser extent, the benefits of the District's plan.

The following comments are provided to strengthen what is generally a satisfactory assessment.

#### Recognizing the Dollar Benefits of Less Driving

All of the transportation control measures (TCMs) are designed to decrease the use of the car, which could significantly reduce vehicle miles travelled (VMT). Each mile that is not driven represents a real monetary savings to a driver. At a minimum, this includes the incremental cost of operating a car (gasoline, mileage related maintenance, tire wear, etc.), which is estimated to be about \$0.10 cents per mile. For each million daily VMT reduced this amounts to a savings of \$25,000,000 per year (\$0.10 x 1,000,000 vmt/day x 250 workdays/year). Inclusion of this benefit could substantially improve the economics of the TCM measures.

#### Treatment of "Social Transfers"

The largest expenses in the plan are the \$1.46 and \$3 billion dollar costs associated with parking charges and market-based TCMs. The text correctly identifies these as "social transfers" - one segment of the public (drivers) will pay, while other sectors (business, government or those that use transit or carpools) will benefit.

However, in the summary table and through much of the text only the costs of these measures are shown, leaving the impression that these measures will have a multibillion dollar net cost to the region. This needs to be corrected and explained in the same manner as TCMs 3 - 15. For these latter TCMs, costs are appropriately shown as social transfers and the benefits are shown in terms of job creation.

A2-S1

A2-S2



Similarly, the direct benefits of parking fees and other charges should be shown. This can be accomplished by making assumptions about the costs of administering TCMs and about the redistribution of remaining funds. For example, it could be assumed that 80 percent of the funds would go to government to fund transportation projects and services, and 20 percent to mitigate adverse impacts on low income people who still must drive.

#### Discussion of TCM Impact on Low Income Groups

The impact of market-based TCMs and parking charges on low income people is a real concern that should be addressed in this report. However, the rather simplified discussion, which computes average costs and then assumes that low income households will bear those average costs, is not realistic. Auto use is a function of household income. This is especially true of long distance commuters, the group that would pay the most under a market-based strategy.

Additionally, lower income households are more likely to currently use transit or carpooling or will shift habits (by necessity) and become the beneficiaries of either more accessible transit, or the lower cost of carpooling. Therefore, the absolute dollar cost of market-based strategies is likely to be significantly greater on middle and higher income groups than on lower income households. (This may not be true on a percentage basis.)

The report should provide an improved analysis of these issues as well as options for minimizing adverse impacts on lower income groups.

#### Miscellaneous Changes to Table 1

The report includes an analysis of the economic effects of improved health conditions (page 37) resulting from implementing the control measures. However, Table 1 does not include the estimated annual monetary benefit of these improved conditions estimated by the American Lung Association to be \$2.1 billion (1988 dollars). This benefit needs to be included in the table.

It is shown in Table 1 that commuters will incur a cost of \$1.46 billion under Phase 3 TCMs. Based on the discussion of these costs on page 45 of the report, the administrative costs to business and industry (\$150 million) and government (\$5 million), which are also shown in Table 1, are duplicating costs included within the \$1.46 billion.

The report states on page 3 that for unquantified impacts the table displays symbols indicating whether the effects are beneficial or negative and their "relative severity." Unfortunately, the report does not, yet should discuss the process by which the evaluations were made and the criteria used to base determinations of effect and severity.



Mr. Henry Hilken

-3-

August 19, 1991

A2-S7

Finally, as my staff discussed with you previously, the \$1.1 billion shown as costs to commuters for TCM 22 should be shown as a benefit.

Again, I want to congratulate the District staff on having prepared an extensive evaluation of the socioeconomic impacts of your plan. This effort is important to conduct, so that decisionmakers have accurate information about the costs and benefits of their actions. Also, this effort is unusual among districts throughout the state and will undoubtedly be used by others as an example of how to conduct such an analysis.

If you have any questions regarding this letter, please call me at (916) 322-2890, or Patrick Nevis, San Francisco Bay Area District Liaison, at (916) 323-7560.

Sincerely,



William W. Sylte  
Chief Deputy Executive Officer

cc: Jan Bush, BAAQMD  
Tom Perardi, BAAQMD  
Lawrence Dahms, MTC  
Chris Brittle, MTC  
Eugene Leong, Association of Bay Area Governments  
Roberta Hugan, Member, BAAQMD Board  
John Lagarias, ARB Board Member

**Response to Comment  
Letter A2**

RESPONSE A2-S1	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE A2-S2	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE A2-S3	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE A2-S4	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE A2-S5	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE A2-S6	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE A2-S7	See CAP Socioeconomic Report, Response to Comments document.

LETTER A3

STATE OF CALIFORNIA

PETE WILSON, Governor

## CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

SAN FRANCISCO BAY REGION

2181 WEBSTER STREET, SUITE 300

OAKLAND, CA 94612

(415) 464-1255



August 16, 1991  
File No. 2198.09(DCB)

Mr. Peter Hess  
Bay Area Air Quality Management District  
939 Ellis Street  
San Francisco, CA 94109

Dear Mr. Hess:

Subject: Draft Clean Air Plan and Environmental Impact Report

The Regional Board considers urban runoff one of the most significant sources of pollutants which discharge to surface waters in the San Francisco Bay Region. In 1986 the Regional Board amended its Water Quality Control Plan for the San Francisco Bay Basin to include a program for the management of urban runoff. The focus of this program has been to characterize sources of pollutants in urban runoff and to implement source control measures. Results of the program indicate a strong relationship between urban-runoff water quality and atmospheric deposition. Urban runoff pollution impacts are particularly related to transportation corridor activity, automobile and truck traffic. Deposition of combustion byproducts, oil and grease spray, tire wear products, and brake lining materials on the paved corridors contributes significant loading of pollutants to local creeks and the entire San Francisco Bay system.

The subject Draft Clean Air Plan (CAP) and Environmental Impact Report (EIR) do not sufficiently address the relationship between clean air and water quality. We are encouraged by the suite of recommended transportation control measures to reduce pollutant emissions, but the water quality impacts and benefits of the control measures are not adequately evaluated. The CAP also does not provide for timely and accountable implementation of the control measures, nor does it provide for the evaluation of the measures upon implementation. There is also a lack of regional overview in the CAP. We have encouraged the development of urban runoff management programs at the local (county) level, but we have maintained a strong regional presence to provide technical and administrative guidance to ensure consistency and accountability of local programs.

We request that these issues be addressed in the CAP and the associated EIR. (Please note that the EIR contains numerous misstatements and inaccuracies concerning water resource information, water quality control programs, and water quality standards.) We will work with your staff to provide information and resources if necessary.

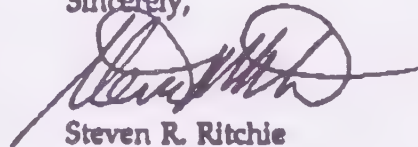
A3-1

A3-2

A3-3

We are encouraged by your efforts in developing the draft CAP and look forward to improved water quality benefits which will be realized with effective control of transportation pollutant sources. If you have any questions concerning this matter, please contact Dale Bowyer at 415/464-1357 or Thomas Mumley at 415/464-0962.

Sincerely,

A handwritten signature in dark ink, appearing to read "Steven R. Ritchie", with a stylized flourish extending to the right.

Steven R. Ritchie  
Executive Officer



**Response to Comment  
Letter A3**

**RESPONSE A3-1**

Comment noted.

**RESPONSE A3-2**

The comment lacks adequate specificity to allow for response in that it does not cite specific examples of where "the water quality impacts and benefits of the control measures are not adequately addressed." It should be noted that although CEQA does not require analysis of beneficial impacts, the DEIR does discuss water quality benefits of the CAP on a qualitative level.

**RESPONSE A3-3**

Please see response to comment A3-2. The comment lacks adequate specificity to allow for response in that no examples of "misstatements and inaccuracies concerning water resource information, water quality control programs, and water quality standards" are cited.





August 19, 1991

Bay Area Air Quality Management District  
 Attention: Henry Hilken  
 939 Ellis Street  
 San Francisco, California 94109

Subject: Draft EIR for 1991 Bay Area Clean Air Plan

This correspondence will constitute the Town of Danville response to the Draft EIR (DEIR) for the 1991 Bay Area Clean Air Plan (CAP).

#### 4.1 - AIR QUALITY

Adequacy of mitigation measures for Transportation Control Measure (TCM) 10 and measure H3 requires specific monitoring. A mitigation monitoring program is not included in the DEIR.

Additionally, the DEIR does not indicate how BAAMQD will require installation of tailpipe catalytic converters on clean fuel vehicles burning methanol.

#### 4.2 - TRANSPORTATION

TCM 2 will potentially require expenditure of large amounts of time and effort on the part of local jurisdiction staff. How will local jurisdictions pay for this effort?

Charging for parking is reasonable only if there is a viable alternative to solo commuting. If an employer is poorly served by transit, how can parking charges as a trip reduction measure be justified?

TCM 8 would have significant impacts on Town resources. There would be administrative costs of implementing mitigation measures as well as LOS impacts on Town circulation systems. Additionally, how are cities expected to allow park and ride facilities when they may be in conflict with existing land uses?

Long range implications include Town expenditures to mitigate impacts created by implementation of CAP mitigation measures. How is this is an achievable mitigation measure without funding sources?

TCM 11 will result in unacceptable intersection operations near freeway interchanges. How will local jurisdictions reconcile requirements to maintain acceptable levels of service with adverse impacts of ramp metering at intersections? Additionally, how will

B1-1

B1-2

B1-S1

B1-3

B1-S2

B1-4

B1-S3

B1-5

B1-6 local governments realistically fund additional traffic control devices?

B1-S4 TCM 18 will have significant impacts on local economic development opportunities. How are local governments expected to comply with the measures outlined if they have an adverse impact on local shopping districts?

B1-S5 TCM 22 will increase the cost of doing business in the Bay Area. How will the Bay Area remain competitive, given the cumulative impacts of the high cost of housing in discouraging business and industry?

B1-7 4.3 - LAND USE AND PLANNING

B1-8 The CAP mitigation measure indicates that cities would be encouraged to amend the General Plan and Zoning to allow for mixed use and high density development. What are the penalties for noncompliance or incentives for compliance by local agencies?

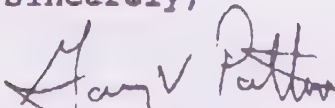
B1-S6 The Land Use and Planning overview section states that some control measures in the CAP may have land use impacts that would be considered adverse under CEQA. In order to be considered adequate under CEQA, should there be additional discussion of how cities will implement mitigation measures that may have adverse impacts to the community?

B1-9 4.6 - PUBLIC SERVICES AND UTILITIES

The mitigation indicates that implementation of TCMs would be mitigated to a less than significant level by hiring more employees. What are the funding sources available for cities to offset cost increases? Is the mitigation indicated adequate under CEQA without a clear route of attainment?

Please include the Town of Danville on the agency list when routing the final EIR. If you have any questions, do not hesitate to contact me at 820-1080.

Sincerely,



Gary V. Patton  
Senior Planner

Cc: Town Council  
Planning Commission  
George Sipel  
Linda Christman  
Kevin Gailey



**Response to Comment  
Letter B1**

RESPONSE B1-1	A Mitigation Monitoring Plan for the proposed project has been prepared according to the provisions of AB 3180, and will be adopted by the BAAQMD upon certification of the FEIR.
RESPONSE B1-2	The Air Resources Board would be the responsible agency for implementing the mitigation measure cited in the comment. It should be noted that with mitigation, the impact may be significant and unavoidable.
RESPONSE B1-S1	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE B1-3	<p>The following text regarding TCM 2 will be added on page 4.2-31 of the DEIR, immediately following Mitigation Measure 4.2-2:</p> <p>For this TCM to be most effective it is important that the parking charges be implemented at the same time as other measures are implemented to increase the capacity, availability, and attractiveness of alternative modes of travel. As proposed in the CAP, TCM 2 would provide employers options for complying with the performance standards adopted under this TCM. This TCM is intended to decrease auto commuter trips and encourage the use of appropriate alternatives, including transit, carpooling, vanpooling, telecommuting, bikes, and/or walking. If alternative modes are not available, the parking charge, which is not mandatory under Phase 1, could result in parking overflows into non-regulated areas and shifts in employee work/shop locations.</p>
RESPONSE B1-S2	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE B1-4	Refer to the discussion on page 4.3-11 in the DEIR and Mitigation Measure 4.3-3.
RESPONSE B1-S3	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE B1-5	<p>The following discussion regarding TCM 11 will be added on page 4.2-42 of the DEIR, immediately following Mitigation Measure 4.2-17:</p> <p>Local jurisdictions might have difficulty reconciling State Congestion Management Plan (CMP) requirements to maintain acceptable levels of service with the increased congestion that might result from ramp metering; however, there is an exception in the CMP legislation for ramp metering projects. Other local</p>

General Plan level of service standards may be more difficult to reconcile.

RESPONSE B1-6	At this time it is assumed that local governments would have to make general fund expenditures for these programs. State funding may also become available for local arterial traffic management projects through legislation sponsored by the BAAQMD and MTC. In addition, District delegation of TCM 16, Indirect Source Control, (ISC), to cities and counties would allow local governments to implement their own ISC programs. If a local government chose to structure their ISC program to include permit fees for development, this would be another possible source of revenue for implementation of TCMs and mitigation measures.
RESPONSE B1-S4	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE B1-S5	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE B1-7	Details regarding implementation and enforcement of control measures identified in the CAP will be addressed by the District during the rule development and rule adoption process and processes of other agencies responsible for implementing measures in the CAP.
RESPONSE B1-8	The DEIR identifies a number of potentially significant land use impacts that could result from implementation of the CAP. For most of these impacts, however, the DEIR proposes mitigation measures which reduce the impact to a less than significant level. When drafting mitigation measures, consideration was given to their potential impacts, and it is not anticipated that proposed land use mitigation measures would result in adverse impacts. Because the commenter has not identified specific land use mitigation measures of concern, specific responses are not possible.
RESPONSE B1-S6	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE B1-9	Please refer to Response B1-1 and Socioeconomic Report Response B1-S1.

## CITY OF FAIRFIELD

Incorporated December 12, 1903

1000 WEBSTER STREET  
FAIRFIELD, CA 94533  
[707] 428-7461



August 19, 1991

Mr. Henry Hilken, Planner  
Bay Area Air Quality Management District  
939 Ellis Street  
San Francisco, California 94109

Dear Mr. Hilken:

We would like to thank you for the opportunity to review the Draft Environmental Impact Report for the 1991 Bay Area Clean Air Plan (CAP). Our comments focus on the Transportation Control Measures.

1. Significant land use impacts resulting from TCM 16 (Indirect Source Review) are identified on page 4.3-13 (Impact 4.3-6). However, the land use mitigation measure (4.3-6) does not address the potential for certain types of development to locate out of the area as a result of a potentially costly and time-consuming review process. These land use impacts cannot be mitigated to a level of insignificance. In addition, the EIR indicates that there are no negative impacts on population, employment and housing. However, the review process and subsequent mitigation measures could increase the cost of housing and discourage employers from locating in the Bay Area. This impact needs to be addressed.

Table 4.1-5 indicates that there are no measurable mobile source emission reductions from TCM 16, which is not clearly defined and relies on future actions by BAAQMD. However, TCM 16 could have significant impacts on land use, population, employment and housing. This TCM does not seem to have any benefits and could have significant impacts. We recommend its removal from the CAP.

2. It is also unclear how cities will be "encouraged" to implement TCM 18 (High Density Zones at Transit Stations). If it is an advisory or optional measure, then it should not be included in Table 4.1-5 as reducing mobile source emissions. In addition this measure is identified as having a positive impact on housing (Impact 4.4-9). Generally, higher densities do result in more affordable housing, however land values around transit stations are usually high. Housing clustered around these stations will not necessarily be affordable, even at higher densities.

B2-1

B2-2

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B2-4

B2-5



B2-6

Also, in many older areas infrastructure (unless totally reconstructed) may not be capable of serving the demands of intensified development.

B2-P

3. TCM 19 (Air Quality Elements) is also not clearly defined. Is the intent to make this a mandatory general plan element? It is implied that BAAQMD will use this measure as the criteria for local agencies to assume responsibility for TCM 16 (Indirect Source Review). It will therefore become a required general plan element, without the appropriate state legislation. If this is the intent of the BAAQMD, guidelines should be prepared so the expected content of these plans can be understood. Until it is known exactly what these elements will be expected to include, the environmental impacts cannot be adequately analyzed. We suggest that this measure be removed from the CAP or more carefully defined so that the impacts can be measured.

In general, the Plan is an effective overview of the options available to the region for meeting federal and state standards. However, implementation and funding will be the key factors in ensuring the success of the Plan. Many of the control measures will require substantial financial support for local governments, which are increasingly under fiscal stress.

If you have any questions, please contact Eve Somjen, Principal Planner, at (707) 428-7449.

Sincerely,



Bill Daugherty  
Director, Planning and Development

cc: Ron Hurlbut, Director of Public Works



**Response to Comment  
Letter B2**

- RESPONSE B2-1** As discussed in the Cumulative Impacts section on page 4.3-18 of the DEIR, there is a possibility that the CAP, when fully implemented, could have an effect on neighboring areas. Counties adjacent to the Bay Area would absorb development which is unable to locate in the Bay Area due to IS control measures and other strict controls implemented through the CAP. However, since all non-attainment areas must adopt indirect source controls, the difference between regulations in the Bay Area and some adjacent counties may be negligible and probably would not significantly influence land use impacts. Mitigation measures for growth effects in adjacent counties could involve coordination of planning efforts with the Bay Area regional planning agencies. This could include development and implementation of a multi-regional plan which is consistent with regional plans to direct and control growth.
- RESPONSE B2-2** With regard to residential development, the indirect source control program (ISC) is intended to improve land use relationships and design features to encourage fewer automobile trips. The DEIR (p. 4.4-13) states that this could have an inflationary effect on building costs. The DEIR also notes that, "housing development [in the Bay Area] is severely constrained by the availability of suitable sites." Measures such as TCM 16, 18, and 19, encouraging higher density housing near transit, are part of the overall CAP and would have the effect of increasing housing sites and thus helping to reduce housing costs.
- RESPONSE B2-3** Table 4.1-5 does attribute emissions reductions to ISC (TCM 16) during Phase 1. In fact, it is estimated to be one of the most effective Phase 1 TCMs. Further, the District expects TCM 16 to continue achieving emissions reductions in Phase 2; however, because specific elements of TCM 16 have not been identified, the DEIR does not attempt to quantify emissions reductions beyond Phase 1. Please also refer to response B2-2.
- RESPONSE B2-4** The District expects to implement TCM 18 via TCM 16 (Indirect Source Review) and TCM 19 (Air Quality Elements), whereby the District will encourage cities to plan for high density, cluster development with mixed uses near transit stations. Even though this measure would not be mandatory, it is expected to result in some emission reductions. Note that Table 4.1-5 indicates that the reductions would be small and would occur in future years.
- RESPONSE B2-5** The commenter is correct that higher land prices near transit stations could affect the prices of units at these locations. However, policies to encourage higher density would help increase the total supply of

housing in the region and thus help ease housing cost inflation overall.

RESPONSE B2-6

The substance of this comment is addressed in Chapter 4.6 Public Services and Utilities, specifically in the discussions of Impacts and Mitigations 4.6-4, 4.6-10, and 4.6-11.

RESPONSE B2-P

See Section 1.2 regarding comments on the CAP.

**SAN FRANCISCO COUNTY TRANSPORTATION AUTHORITY  
255 CITY HALL, SAN FRANCISCO, CA 94102**

August 16, 1991

Mr. Henry Hilken  
Bay Area Air Quality Management District  
939 Ellis Street  
San Francisco, CA 94109

Re: Draft Environmental Impact Report (DEIR) for  
the 1991 Bay Area Clean Air Plan (CAP)

Dear Mr. Hilken:

We have reviewed the above referenced document and wish to see the following issues addressed in the final EIR:

1) The mobility transportation control measures (TCM's) should be expanded to include major transit capital projects for San Francisco, even if they are not currently included in the regional rail agreement. At a minimum, the F-Line new service along Market Street and the Embarcadero, the Muni Metro extensions south from Market Street to Fourth and Townsend Streets and ultimately to a new rail maintenance facility at Sixteenth Street should be included as a part of this TCM. In addition, systems level planning is underway for new service improvements in the Third Street/Bayshore and Geary transportation corridors. All of these projects will make a significant contribution to local and regional mobility, congestion reduction and air quality improvement for the area.

2) With respect to the phasing of proposed transportation control measures, we recommend that parking controls be considered in Phase 1 instead of Phase 3. These measures are feasible for implementation now and, based on the experience of San Francisco, are very effective tools for reducing congestion and vehicle miles traveled.

Thank you for the opportunity to comment on the document. Please contact me at (415) 554-7742 if you have any questions.

Sincerely,



Carmen C. Clark, Director  
Plans and Programs

B3-1

B3-2

**Response to Comment  
Letter B3**

**RESPONSE B3-1**

When additional funding becomes available upon adoption and implementation of market-based TCMs, other mobility improvements, not currently identified in the Regional Rail Agreement, will receive funding.

**RESPONSE B3-2**

The District does not have the authority to directly assess parking fees. However, the District does consider the management of parking pricing and supply to be an effective means of reducing vehicle trips. Therefore, parking fees have been included as options in the employer-based trip reduction program and indirect source control program, measures for which the District does have authority to adopt immediately. Under Phase 1 of the CAP, the District will set performance standards for compliance with the employer-based trip reduction program and indirect source control program. Employers and indirect source operators will have the option of charging for parking and/or implementing other trip reduction efforts to comply.





City and County of San Francisco  
Department of City Planning

LETTER B4

450 McAllister Street  
San Francisco, CA 94102

ADMINISTRATION  
(415) 558-6414

CITY PLANNING COMMISSION  
(415) 558-6414

PLANS AND PROGRAMS  
(415) 558-6264

IMPLEMENTATION / ZONING  
(415) 558-6377

August 19, 1991

Henry Hilken, Planner  
Bay Area Air Quality Management District  
939 Ellis Street  
San Francisco, CA 94109

Re: San Francisco Department of City Planning Comments  
Clean Air Plan Draft EIR

Dear Mr. Hilken:

Thank you for sending a copy of the Bay Area 1991 Clean Air Plan Draft EIR to the San Francisco City Planning Department for review.

The Project Description is generally well-written and clear, but you certainly do make the reader work for the acronyms. I happen to be familiar with many of them, but it would have been nice for some readers if ROG had been defined the first time it was used on page 3-31, instead of in the next section, which happens to be at the end of that page. Yes, there is an abbreviations section at the end of the book which is a crucial item, but it is still nice to identify an acronym the first time it is used. I never did find an explanation of FETSIM (used on p. 4.2-44).

The CAP is a complex document, and requires a complex analysis to discover all of the possible environmental impacts. The attempt to simplify for those of us not trained in technical air quality analysis may have oversimplified in some cases. For example, the air quality impacts discussion indicates that the incineration techniques that may be used to reduce ROG emissions for A9, A12, A13 and A16, and for B1, B3, B5, and B7 could increase NOx and CO emissions (page 4.1-40). If one returns to the Project Description Chapter and reads about measures A9, A12 and A13, one is not told that incineration is a likely method for reducing ROG emissions, even on page 3-43 where the text lists 4 other methods that might be used for measure A12. While this is not a fatal flaw itself, I hope there are no techniques for compliance that have been left out of the impacts analysis, as the reader will not be able to simply cross-check from the project description to the impacts chapter to find out whether the impacts analysis completely covers all reasonable issues.

Page 3-1: In describing the Bay Area, the text cites the Air Quality Handbook as the source for the statement that the Area is

B4-1

B4-2

B4-3

about 14 percent developed. The last version of that Handbook that I was able to obtain was dated 1987-88 and so contained 1987 data. If this is the date of your source, it may be a bit out of date for information on the amount of development in the Bay Area. Note 2 in the Chapter should include the date of the Handbook cited, and it may be that you could obtain more current information from ABAG.

B4-4

The air quality impacts section contains an overview of emissions reductions as a result of implementation of the proposed Clean Air Plan on pages 4.1-19 - 4.1-22, but there is no explanation in the text of how you arrived at the estimates of tons-per-day reductions in emissions. Chapter 3 provides a brief explanation of the Urban Airshed Model now used by the District to model ozone in the region, but there is no discussion in the EIR about the basis for the numbers in Table 4.1-4 and its text. In fact, the transportation section specifically explains that no attempt was made to determine changes in ADT or peak hour traffic. If this is so, how could the reductions in NOx and CO from mobile sources be calculated?

B4-5

Page 4.1-23 indicates that 90% of the CO emissions in the region come from mobile sources. Page 4.1-7 states that about 85% of CO is generated from mobile sources. Is this a significant difference, and if so, which is correct?

B4-6

Page 4.1-27, mitigation measure 4.1-4(b) indicates that if diesel bus idling at bus depots is found to pose significant health risks, responsible agencies will be encouraged to "take actions to reduce this impact." What kinds of actions would accomplish this measure. It seems a bit vague, as is measure 4.1-5 regarding CO emissions from traffic near new transit facilities. What could the transit facility project sponsor do that would be effective to reduce these emissions?

B4-7

Page 4.1-30 indicates possible impacts from formaldehyde could occur as a result of implementing TCM10--clean fuel vehicles. The end of the discussion of this impact indicates that the ARB has set a limit of 15mg/mi of formaldehyde emissions. Is this a new limit? Will this emissions limit mean that standards would not be violated? Are there any standards (table 3-1 does not list this compound)? What concentrations are toxic under what circumstances? In other words, from the discussion in the EIR, a reader may not be able to determine the importance of these new emissions.

B4-8

Page 4.1-40 refers one to the discussion under Impact 4.1-22 as covering Impact 4.1-25. The referenced discussion does not seem particularly relevant, and the cross reference to mitigation 4.1-



22 is even more useless since there is none under 4.1-22. Is this all perhaps a typo and the 22 should be a 25?

B4-9

Page 4.1-42 discusses cumulative air quality impacts of the CAP. However, there is no mention of the possible cumulative effects of many new substitute chemicals being employed in place of those proposed to be eliminated in, for example, the surface coating and solvent use control measures. The impacts discussions often mention use of different compounds in reformulating products or revising processes, but the cumulative impacts analysis does not analyse any impacts of the combined effect of these possible new emissions.

B4-10

The introduction to the Transportation Impacts analysis makes it clear that the analysis did not use the MTC model for much of the CAP EIR analysis, and therefore daily traffic and peak hour/period traffic information is not available (page 4.2-17). Given the complexity of the CAP and its effects on the region, this is not surprising. I hope, based on this very general and somewhat subjective analysis, that your staff will not be expecting local agencies to include in project-specific EIRs and EIRs on Area Plans a detailed analysis of how the project would or would not comply with the CAP in terms of daily and peak traffic reductions, since you have not provided a basis for such an analysis. We will probably be able to state whether certain appropriately project-specific CAP features have been included in the project or are required by the local agency (such as San Francisco's existing requirement for a transportation broker for downtown office buildings), but we will not be able to determine how much any feature or group of features might contribute to air emissions reductions.

B4-11

Page 4.2-55: The brief notes on possible cumulative transportation impacts resulting from the features of the proposed Clean Air Plan plus other similar plans such as congestion management plans suggests that the CAP could add to local congestion and parking overflows, but refers to the mitigation measures described in the section to fully take care of this type of impact. There appears to be an impact not discussed here, and it is not covered under individual TCMs either. Those TCMs that could cause increases in local traffic and parking demand are those related to increasing availability of and access to transit, which replace many long auto trips with short ones leading to a transit stop, causing more traffic and parking demand near the transit stop. One mitigation measure described in the transportation impacts section for this localized problem is primarily to have local agencies provide for "preferential parking" for the local residents. This is, then, presumably one of the main measures referred to in the cumulative

mitigation measures discussion. However, this mitigation measure can have the impact of discouraging use of public transit, and thus possibly the cumulative effect of adding back some of the otherwise reduced auto trips.

B4-12

The Land Use Impacts section suggests that Land Use Elements of General Plans encourage balanced housing and commercial development so that "there would be a reduction in the need for the expansion of transit corridors." This presumes that those who live in one of these "balanced" communities will also work there. This is not a reasonable presumption, because job proximity is only one of many reasons for choice of housing location. Families may choose their home because they like the school district, the weather, the shopping availability or because they can afford a particular type of dwelling, or because it is half-way between the spouse's respective jobs; none of these reasons is related to a particular person's job being nearby the housing unit.

Thus, it is an oversimplification to say that because commercial and residential uses are built together there would be a reduction in the need for transit services. This point is made in the next section, on Population, Employment, and Housing (pages 4.4-8 - 9), but seems to have been missed in the Land Use section. This is not to say that mixed use development should not be encouraged, especially near transit facilities, since this kind of development provides more opportunities for people to choose to live near their work than are now available in the region, but it is not the complete solution that the Land Use section implies.

A point that could have been made in the Land Use section is that providing neighborhood commercial uses nearby residential uses, both near transit facilities, can reduce the short auto trips that now occur in many suburban locations, by permitting more people to walk or bicycle to simple services such as groceries and cleaners and hardware needs.

B4-13

Is it reasonable to assume that the region would substantially reduce its number of dry cleaning establishments as a result of some of the new stationary source requirements or as a result of the need for emissions offsets, and if so, should this particular economic issue be discussed in the Population, Employment and Housing section of the EIR?

B4-14

Would the radiation-curable coatings mentioned as one way to comply with measures A7 and A19 have any potential health impacts? The energy efficiency of this technique is noted in the energy impacts section, but nothing is noted in Section 4.5.



Henry Hilken, BAAQMD  
August 19, 1991  
Page 5

Page 4.6-18 indicates as one mitigation measure that local water treatment and supply utilities would modify their operations to take care of and increase in hazardous wastes that might contaminate water supplies. This is a nice idea, but there are many hazardous materials that cannot be easily removed from the water supply, and certainly any technology that permits removal of hazardous wastes from surface or groundwater would increase the operating costs of those utilities. This would not generally affect San Francisco and the Peninsula communities served by the San Francisco Water Department as the system is now set up, but it would affect other water suppliers and could affect San Francisco if ground water becomes an important source and if the impact discussed here were to occur.

B4-15

Page 4.10-8 indicates that new construction for transportation-related facilities could have some impacts on biological resources, but does not note that additional ferry service called for in TCM7 would also have operational impacts on wildlife due to increased turbidity near the landing area and possible fuel spills. The mitigation measures for this subsection explain that local agencies control construction requirements; this is not necessarily accurate if the facility being constructed is under the ownership and control of a regional agency such as BART.

B4-16

Page 4.11-9 indicates that an increase of two decibels could occur if traffic speeds were to increase on a portion of I-80, as an example of noise impacts. Based on traffic noise research, a change of three or fewer decibels is generally not noticeable to the average receptor outside of a laboratory test situation. Therefore, it is not clear why such an increase would be a significant impact. Presumably, it is significant in an area of already high noise only because it would then be that much more difficult to bring the area down to an "acceptable" noise level? This point should be made clear, if it is the basis for the finding of significance.

B4-17

While this letter includes many comments and suggested small changes, on the whole, the EIR is clearly written and reasonably useful, considering the broad nature of the subject and the size of the region affected. Thank you for the opportunity to review the Draft EIR.

Sincerely,



Barbara W. Sahm  
Environmental Review Officer

**Response to Comment  
Letter B4**

**RESPONSE B4-1**

The standard practice in using acronyms in this document was to identify the acronym the first time it is used in the document and to include the acronym and its description in Chapter 9, Glossary of Technical Terms and Acronyms.

The acronym, ROG (reactive organic gases), does not appear on pg. 3-31. The acronym, FETSIM, stands for Fuel Efficiency Traffic Signal Management Program, which is essentially a Caltrans program on arterial signal timing. The following text will be added to Chapter 9, Glossary of Technical Terms and Acronyms, on page 9-2 immediately following the description of the acronym FEMA:

FETSIM    Fuel Efficiency Traffic Signal Management Program

**RESPONSE B4-2**

The stationary source control measures, described in the 1991 Clean Air Plan, Candidate Control Measure Descriptions, identify a variety of emissions control techniques, including production process changes and abatement devices, that could be used for compliance with individual control measures. Where there is the potential for the use of an abatement device which would have an adverse environmental impact, the impact and the control measures to which it might apply are identified. The implementation of specific control measures and related abatement devices will be addressed by the District during the adoption of the rules and regulations pertaining to the specific control measures.

**RESPONSE B4-3**

The source for this information is the "Air Quality Handbook, 1989-1990." The reference at the end of Chapter 3 will be revised to reflect the date of this document.

**RESPONSE B4-4**

Anticipated emissions reductions from implementation of the CAP were calculated by the District. These projections are a compilation of emission reductions from both stationary and mobile sources. Emission reductions from implementing stationary source control measures were based on applying available technology and technology assumed to be available in the future to numerous emission source categories. Where feasible, control measures that affect common source categories were identified in order to avoid double-counting of emission reductions. Emission reductions from implementing mobile source control measures were calculated by determining the estimated VMT reductions from each of the TCMs through a modified regional transportation model. The estimated VMT reductions determined in the model were applied to a mobile source emission inventory to determine the net reduction in emission of air pollutants resulting from implementation of the TCMs.

RESPONSE B4-5

Based on CO emissions estimates presented in Table 4.1-2, off-highway and on-road motor vehicles contributed 88 percent of the CO emissions in the Bay Area in 1987. By the year 1994, these sources are expected to contribute 84 percent of the CO emissions, declining to 81 percent in 1997 and 79 percent in the year 2000. The references that mobile sources contribute 85 and 90 percent of regional CO emissions do not represent a significant difference for the discussions to which they apply.

RESPONSE B4-6

As suggested in Mitigation 4.1-4 (a), page 4.1-27, exposure to diesel exhaust emissions at transit facilities may be reduced by using electric buses. Use of buses powered by alternate fuels such as compressed natural gas would also reduce diesel emissions. In addition, requirements limiting idling times at these facilities might reduce these localized impacts.

Actions that might be taken by a project sponsor of a transit facility to reduce localized exceedances of CO, as discussed in Impact 4.1-5, would be designed to discourage the use of automobile access to these sites while encouraging alternative modes. The use of automobiles to access transit facilities could be discouraged by limiting the availability of parking at transit facilities and/or charging parking fees. Actions that might be taken to encourage the use of alternative modes to access transit stations include measures such as:

- o Provisions for secure bicycle parking;
- o Improved bicycle access on transit vehicles;
- o Timed transfers between transit systems; and,
- o Development and marketing of a multi-system transit pass such as the BART PLUS pass.

RESPONSE B4-7

The ARB has recently established emission limits for formaldehyde, as discussed under Impact 4.1-7, page 4.1-30. However, federal or State Ambient Air Quality Standards have not been established for formaldehyde. While the ARB has moved to establish emission limits for formaldehyde, these standards do not eliminate the potential for exposure to potentially harmful levels. The setting of emission standards does not preclude exposure to unhealthful levels of air pollutants, as evidenced by periodic exceedances of the standards for criteria pollutants. Emission standards for formaldehyde will help to reduce the ambient level of formaldehyde; however, they do not eliminate the potential that high concentrations may still occur in localized incidents.

RESPONSE B4-8

The discussion under Impact 4.1-25 on page 4.1-40 of the DEIR is revised to read:



See discussion under Impact 4.1-24.

The discussion under Mitigation Measure 4.1-25 is revised to read:

See Mitigation Measure 4.1-24.

RESPONSE B4-9

Mitigation Measure 4.1-23 states that the use of chemicals which cause depletion of stratospheric ozone, are toxic air contaminants, or contribute to global warming would be restricted in the adoption of rules and regulations concerning surface coatings and solvent use. This mitigation measure would reduce the air quality impacts of reformulated coatings and solvents to a less than significant level in the Bay Area. Similar to the discussion on cumulative impacts of criteria pollutants, page 4.1-42, this mitigation measure would also reduce transport of these emissions to adjacent air districts.

RESPONSE B4-10

The transportation modeling conducted in the analysis of the CAP was not conducted for local agencies to show compliance with the CAP, but was used to model the potential emission reductions from TCMs proposed in the CAP. Development in the Bay Area requiring environmental review, as mandated under CEQA, should continue to follow the guidelines prepared by the BAAQMD for evaluating air quality impacts of projects and plans. CEQA documents prepared subsequent to the adoption of TCMs presented in the CAP should recognize the benefits of reduced traffic emissions resulting from these TCMs.

RESPONSE B4-11

The clarification provided by this comment will be added to TCM 4, discussion on page 4.2-35 of DEIR, after paragraph three:

The use of residential parking permit programs and other parking control measures to reduce the impact of parking overflows on neighborhoods could have the impact of discouraging the use of public transit, and thus possibly reducing the effectiveness of this TCM below the levels shown in this analysis. However, TCM 5 is intended to encourage the use of public transit by providing alternative ways for people to access rail stations.

RESPONSE B4-12

Improvement of the jobs/housing balance in Mitigation Measure 4.3-3(c) is only one of several measures mentioned that local jurisdictions could pursue to better coordinate transit needs with the jobs/housing balance in communities. Refer to Mitigation Measures 4.3-3 (a) through (e).

A mixed land use development pattern is discussed under IS Control measures on page 4.3-13 of the DEIR, wherein an IS control program could promote a development pattern which would emphasize in-



fill, mixed-use and /or higher density development near transit stations. This would allow more alternatives to the automobile for residents of suburban areas, as discussed in the comment.

RESPONSE B4-13

The CAP does not propose any specific measures that would affect dry cleaning establishments significantly. Such businesses are affected by recent amendments to District regulations (Regulation 8-27, Synthetic Solvent Dry Cleaning Operations) regarding the installation of new equipment, requiring certain technologies that are more expensive than conventional equipment. This rule applies only to new and replacement equipment and is not a retrofit program. Further, the BAAQMD has adopted a "Toxic Air Contaminant Reduction Plan" that has affected dry cleaning establishments using carcinogenic chemicals. This plan was developed under District Board initiative and is not in response to state air quality legislation. The CAP does not propose further measures in addition to those in the toxics plan.

RESPONSE B4-14

Radiation-curable coatings are high solids formulations which contain little or no organic solvents. These coatings use ultraviolet or electron-beam energy to initiate the reaction to form a polymer surface coating. Ultraviolet-curable (UV) coating systems are currently used by several companies in the District. Available data indicate that some monomer emissions would be present in the exhaust for processes using radiation-curable coatings, although further study is needed to better define potential problems.<sup>1</sup>

RESPONSE B4-15

The District acknowledges that many Bay Area water suppliers may experience increased costs associated with removal of control technology residues and contaminants from water supplies, as discussed under Impact 4.6-27. This impact would be reduced to a level of less than significant through the implementation of Mitigation Measures 4.6-27 (a) through (d).

RESPONSE B4-16

The following text has been added to the EIR following Mitigation Measure 4.10-21 on page 4.10-17 of the DEIR:

Additional Impacts from Mobility Improvements

The United States Coast Guard inspects ferries operating in the San Francisco Bay annually in order to ensure in part that fire safety and navigation equipment are in proper operating condition. Should additional ferry service be provided, this inspection requirement would apply to existing and new ferries and would serve to limit the potential for an accident resulting in a fuel spill.<sup>2</sup>

Should new or expanded ferry terminals be proposed, such development would require permit issuance by the Bay Conservation and Development District (BCDC). During the permit review

process, plans would be reviewed for consistency with the policies of BCDC's Bay Plan. This process would serve to limit the potential for development of new or expanded structures or facilities to create adverse impacts on water quality in their vicinity.<sup>3</sup>

Impact

4.10-22      **Implementation of TCM 7 (improved ferry service) could result in decreased water quality in the vicinity of ferry routes from increased turbidity and possible fuel spills.**

While improved ferry service could add incrementally to existing water quality impacts from ferry operation-induced turbidity and possible fuel spills, such impacts are not considered to be significant.

Mitigation Measure

4.10-22      *None recommended or required.*

RESPONSE B4-17

As noted by the commenter, an increase of two decibels in an area of already high noise would increase the difficulty of bringing the area down to an acceptable level; however, this is not the reason for the determination of a significant impact. As noted on page 4.11-5 of the DEIR, a project would have a significant noise impact according to CEQA if it would "increase substantially the ambient noise levels for adjoining areas" and, in addition, if the project would result in conflicts with local ordinances. While a three decibel increase would be considered a substantial increase in the ambient noise level for an area that was not exceeding local noise land use compatibility standards, any increase in the ambient noise level for an area that is exceeding the noise land use compatibility standards would be considered a significant impact.

- 
1. Draft Evaluation of Radiation-Curable Coatings as a Technology for Reducing VOC Emissions from Surface Coating Operations, EPA Control Technology Center, January 1991.
  2. Petty Officer Jeff Jones, Marine Pollution Office, U.S. Coast Guard, conversation with EIP Associates on October 11, 1991.
  3. Russel Abrahamson, Bay Conservation and Development District, conversation with EIP Associates on October 11, 1991.







1600 FRANKLIN STREET, OAKLAND, CALIFORNIA 94612 • (415) 891-4777

Kenneth O. Stanley  
 Assistant General Manager  
 Service Development & Marketing

August 19, 1991

Mr. Henry Hilken  
 Planner  
 Bay Area Air Quality Management District  
 939 Ellis Street  
 San Francisco, CA 94109

Dear Mr. Hilken:

AC Transit has reviewed the 1991 Clean Air Plan (CAP) and Draft Environmental Impact Report (DEIR) and has the following comments:

1. Market Based TCMS: The DEIR admits that Market Based Transportation Control Measure (TCM) is the environmentally superior alternative because it would achieve the largest emission reduction in the shortest period of time. Yet this alternative has been relegated to the third phase for implementation after 1997. The rationale for this delay is the need to obtain legislation to implement market based charges and the difficulty in obtaining this legislation. We don't accept this reasoning because:
  - a) Areawide parking fees can be imposed by BAAQMD without additional legislation. In fact, this component of market based charges is one of the few TCM's which the BAAQMD has authority to implement. This component of the TCM (TCM #22) can also be implemented much quicker than most of the other TCM's.
  - b) Other market based changes would require enabling legislation. However, most of the other TCM's would also require legislation at the state or local level.
  - c) None of the TCM's would be implemented overnight. All would be phased in over a period of time. Many require such long lead times, it is unlikely actual implementation, and the benefits that accrue, will occur before 1997. Therefore, there does not appear to be any compelling reason to treat TCM #22 differently from the other phase I and II TCM's which will take as long or longer to implement.

B5-1

B5-2

B5-3

B5-4

B5-5

d) Many TCM's are contingent on new revenue streams. TCM #22 is a source of new revenue. It is unlikely any attempt to generate new revenue will be popular. To expect any TCM contingent on new funding could be implemented prior to 1997 while not considering it possible to do the same for TCM #22 is inconsistent.

B5-S1

e) The likelihood of instituting market based TCM's in the near future can be enhanced, if the revenue generated is used to offset general fund support of transportation expenses. In other words, if other taxes are lowered commensurate to new market based fees, it may be politically feasible to pass supporting legislation in a short period of time. This, of course, does not produce the needed additional revenue to invest in expanded transit. However, diverting highway funds to transit is a concept that is gaining much popularity that could provide the needed revenue.

B5-P

Considering these factors, we urge BAAQMD adopt alternative #3 which would move TCM #22 from phase I to phase III.

B5-6

2. Vagueness of TCM's: The description of some TCM's in the addendum and DEIR is often too vague to determine if the analysis of environmental impacts is reasonable. For example, TCM #5, improve access to rail and ferries, lists a range of access options. One of these is increased parking. If parking is emphasized, the environmental impacts would be considerably different than if transit and bicycle access is emphasized.

B5-7

Similarly TCM #18, zoning for high density near transit stations, would have considerably different impacts based on the supply and price of parking. High density development with a large supply of free parking (as is occurring around the Pleasant Hill and Walnut Creek BART stations) will generate a high number of auto trips with the energy, pollution, congestion and noise impacts that high auto usage creates. If the parking supply is restricted and/or the cost of providing parking is passed onto the user; it is conceivable that a majority of the generated trips would be on foot, bicycle or transit resulting in a whole different set of impacts.

The EIR should consider different scenarios possible under those TCM's where a range of possibilities exists, assess the impacts and make recommendations based on the scenarios that have the best opportunity to reduce air pollution and other negative environmental effects.

3. Value of TCM's #11 and 12: We question the value of retaining TCM #11 and 12 considering the acknowledgement in the DEIR that these TCM's will result in increased vehicle miles traveled and emissions. Efforts to move traffic smoother may improve the efficiency (i.e. lower emissions) of a particular vehicle, but will also result in an increase of the number and length of vehicle trips. Better these TCM's be modified to apply to transit vehicle and possibly van pools only to provide a means of increasing the average speeds of these high occupancy vehicles.

4. Significant Irreversible Effects: The DEIR assumes construction projects associated with TCM's such as new rail lines will increase short term energy use. This assumes that development associated with the CAP is in addition to development that would take place anyway. Another possible scenario is that infill development and new transit links would be in lieu of sprawl development and its associated street and highway network. This scenario would result in a net decrease in energy consumption.

5. TCM #13: The concept of free or reduced fares is appealing - but must not come as the result of increased transit service. People are more likely to choose transit on the basis of service quality (e.g. frequency, span of service, convenience, trip time) and not price. People don't ride infrequent service for free. Therefore, TCM's 3 and 4 must be implemented first or concurrent with TCM #13.

In closing, AC Transit strongly supports efforts to clean up the Bay Area's air. We also have plans for expanding service to increase transit market share in the East Bay. Our biggest concern about the CAP is the lack of revenue for and the lack of statutory authority of the BAAQMD to enforce most of the TCM's. This could render the plan meaningless. For this reason, we feel it is imperative that TCM

Henry Hilken  
August 19, 1991  
Page 4

↑  
#22 be a phase I project with the BAAQMD moving ahead with implementing parking fees. Not only is this one of the few TCM's BAAQMD has authority to implement, but implementation of other TCM's become possible as a result.

If you have any further questions/or comments, please contact me at 891-4837.

Best wishes,

  
Kenneth O. Stanley

KOS/RJK/sc

Ref: hh1



**Response to Comment  
Letter B5**

**RESPONSE B5-1**

The District currently does not have authority to implement market-based TCMs. Because obtaining that authority will require legislative action, the District does not consider implementation of market-based TCMs "Accelerated Market-Based TCMs" Alternative to be realistic. However, the District recognizes that many organizations support the market-based TCMs. Therefore, the Final CAP proposes a change in the phasing of the TCMs, as discussed in the Introduction to the FEIR. The Final CAP now proposes to adopt all reasonably available TCMs during Phase 1 and to immediately pursue legislative authority for the market-based measures. Because of the time required for the legislative process, we do not anticipate implementation of market-based TCMs until Phase 2. As proposed, the market-based TCMs would be structured to begin with low fees. Revenue for the market-based TCMs would be used to fund transportation improvements and to address equity impacts. The market-based TCMs would increase as transportation improvements became more available. In this way the District proposes to satisfy CCAA requirements for expeditious TCM implementation, as well as pursue the TCMs that appear to have the greatest emission reduction potential.

**RESPONSE B5-2**

The District does not have the authority to directly assess parking fees. However, the District does consider the management of parking pricing and supply to be an effective means of reducing vehicle trips. Therefore, parking fees have been included as options in the employer-based trip reduction program and indirect source control program, measures for which the District does have authority to adopt immediately. Under Phase 1 of the CAP, the District will set performance standards for compliance with the employer-based trip reduction program and indirect source control program. Employers and indirect source operators will have the option of charging for parking and/or implementing other trip reduction efforts to comply.

**RESPONSE B5-3**

See Response B5-1.

**RESPONSE B5-4**

See Response B5-1.

It should be noted that some TCMs do not require further legislative action. Following adoption of the CAP, the District will immediately begin rule development for TCM 2, Employer-Based Trip Reduction, and TCM 16, Indirect Source Control. As indicated in DEIR Table 4.1-5, the District expects emission reductions from these measures during Phase 1.

**RESPONSE B5-5**

See Response B5-1.

RESPONSE B5-S1	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE B5-P	See Section 1.2 regarding comments on the CAP.
RESPONSE B5-6	The implementation and details of specific control measures identified in the CAP will be addressed by the District during rule development and rule adoption process and processes of other agencies responsible for implementing measures in the CAP. In regards to TCM 5, the environmental impacts of providing parking at rail transit facilities is provided in Impacts 4.1-6, 4.1-9, 4.1-10 of the air quality section and Impacts 4.2-7 of the transportation section in addition to subsequent chapters of the DEIR.
RESPONSE B5-7	<p>See Response B5-6.</p> <p>The District agrees with the commenter that a large supply of free parking near transit stations would be counterproductive to the intent of TCM 18. The District's intent with respect to TCM 18, is that it would work in conjunction with TCM 16, Indirect Source Control, and TCM 19, General Plan Air Quality Elements to discourage excess parking supply near transit stations. While the analysis of TCM 18 does not directly address the impacts of increased pedestrian activity, bicycle and transit use, these impacts are closely related to impacts addressed under other TCMs. Among the TCMs which discuss the impacts of increased bicycle and transit use are TCMs 5 and 9.</p>
RESPONSE B5-8	The environmental analysis of TCMs did consider various implementation scenarios in an attempt to identify strategies that maximized air quality benefits while protecting other environmental resources.
RESPONSE B5-9	While the DEIR identifies that TCMs 11 and 12 would result in a slight increase in PM <sub>10</sub> , these increases are substantially compensated for by the net reduction in PM <sub>10</sub> from other TCMs proposed under the CAP (see Impact 4.1-11). In addition, TCMs 11 and 12 contribute to reductions in the emissions of CO and ozone precursors. The comment regarding preference for transit vehicles and vanpools in TCMs 11 and 12 is noted.
RESPONSE B5-10	The substance of this comment is addressed sufficiently for TCM 18, zoning plans for higher densities near transit stations, under Impact 4.7-11. Specifically, the last sentence of the impact discussion reads, "Without TCM 18, housing would likely be developed elsewhere in a less energy efficient manner, e.g., low density." The District certainly expects that the CAP will have a net beneficial impact on energy consumption. However, to provide a conservative analysis

under CEQA, the DEIR points out that some CAP activities could result in short-term increases in energy use.

RESPONSE B5-P

See Section 1.2 regarding comments on the CAP.







LETTER B6

Directors  
Liz Figueroa

Rudy Reyna

Lindsay Roberts

James Wm. Walsh

Daniel I. Wilkowsky

Officers

Stephen T. Hayashi

General Manager/  
District Engineer

David M. O'Hara

Attorney

FROM: AFCC

DATE: 8/19/91

DAFCC OPERATIONS

DAFCC ADMIN.

ADMIN

CLINICAL

HEALTH & SAFETY

ENV

LEGAL

PERMIT

PERSONNEL

PLANNING

PUB

TECH

REL

REF. TO AFCC:

August 6, 1991

Mr. Milton Feldstein  
Air Pollution Control Officer  
Bay Area Air Quality Management District  
939 Ellis Street  
San Francisco, CA 94109

Subject: Draft Environmental Impact Report (DEIR) for the 1991 Bay Area  
Clean Air Plan (CAP)

Dear Mr. Feldstein:

Attached are Union Sanitary District's Comments to the DEIR for the 1991 Bay Area CAP. We appreciate the opportunity to provide comments and would like to be informed of any future developments.

If you have any questions, please contact me at (415) 790-0100.

Sincerely,

James Chen  
Senior Engineer

JTC:wkx  
Attachment

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We are an equal opportunity, affirmative action employer

B6-1

**REVIEW COMMENTS  
UNION SANITARY DISTRICT**

**Draft DEIR for 1991 Bay Area CAP**

**B6-1**      °      Page 4.6-11, Impact 4.6-12

Although implementation of TCM18 would lower per capita consumption rate of water supply due to increased development densities, the overall water consumption would be higher because more people would be using water. Consequently, more sewage would be generated, and the overall sewage strength (BOD Loading) would be higher for lack of sewage dilution because of lower capita water consumption.

**B6-2**      °      Pages 4.6-14, 15, 16 & 19

Control measures would generate and discharge additional wastewater and raise the toxicity level of wastewater at the Wastewater Treatment Plant. Modifications of the treatment operations to accommodate these changes by the POTWs would result in releasing contaminants and VOC into the air from the treatment processes.

**B6-3**      °      Pages 4.6-17 & 18

The materials remaining after the recycle of ammonia injection and SCR control devices residues could end up in the sanitary sewer and wastewater treatment plant.

Ammonia injection could add unionized ammonia toxicity to the waste stream, which would affect the treatment operations and increase the effluent toxicity level of the wastewater treatment plant.

**B6-4**      °      Page 5.4

Mitigation measures and regulatory requirements may reduce the hazardous substances generated from the air pollution control devices. However, the hazardous substances remaining in the waste stream when discharged into the Wastewater Treatment Plant could cause POTWs to change treatment operations, add more manpower and use more fuel or energy sources for removal of toxicity to comply with effluent toxicity standards imposed by the CRWQCB.

JTC:wkf

**Response to Comment  
Letter B6**

- RESPONSE B6-1                      The issues of increased water and sewerage supply are addressed on page 4.6-10 under Impact 4.6-11. The discussion under Impact 4.6-12 regarding decreases water consumption per capita from TCM 18 remains unchanged.
- RESPONSE B6-2                      The District acknowledges that modifications of wastewater treatment operations to accommodate increased discharge from CAP control measures could result in an increased release of contaminants and VOC into the air from the treatment processes. However, this increase is more than compensated for by the net reduction from the individual emissions sources.
- RESPONSE B6-3                      A general description of the impacts of increased ammonia and other wastes in the local wastewater and water supply facilities is provided on pages 4.6-17 and 18 under Impact 4.6-27 and on page 4.10-15 under Impact 4.10-16.
- RESPONSE B6-4                      As noted on page 5.4, long-term increased energy use related to control measures in the CAP includes use of emission abatement devices. As noted by the commenter, increased energy use will occur indirectly through treatment of additional waste residues generated by these devices. This would not be a significant energy impact because it would not be a substantial or wasteful use of energy. Mitigation measures 4.6-27 (a) through (d) would keep any additional waste residues entering the stream to a minimum. Please note also that implementation of all the measures described by the CAP would result in a substantial decrease in energy consumption in the Bay Area.







LETTER B7



## Public Works Administration

August 1, 1991

Mr. Henry Hilken, Planner  
Bay Area Air Quality Management District  
939 Ellis Street  
San Francisco, California 94109

Re: 1991 Bay Area Clean Air Plan, and Draft EIR

Dear Mr. Hilken:

We have reviewed the 1991 Clean Air Plan (CAP) and the Draft EIR, and offer our comments on the documents.

There are a number of proposed Transportation Control Measures (TCM's) that encourage Transportation Demand Management programs, transit use, ridesharing and alternative modes which merit support for both air quality and other reasons. Other TCM's may require additional analysis and consideration.

B7-P

Of special interest is Transportation Control Measure 16, Indirect Source Control Program. While the objective of reducing vehicle trips is readily supported, the interpretation and application of the measure, especially as it applies to new developments and new road improvements which have the potential to generate additional traffic, can be problematic. If the rules regarding TCM16 are not properly formulated, its application could actually be counterproductive to the ultimate goal of improving air quality. Both new development that could otherwise provide desirably located housing or jobs and roadway projects that might aid in reducing traffic congestion may be jeopardized by this measure, while development and improvements in outlying areas that generate more and longer trips may result.

B7-1

In the discussion of TCM16, the Draft EIR cites the lack of experience with such a program and the difficulty in identifying likely travel impacts. Nevertheless, the mere statement that the review of capacity improvement projects would result in uncertain travel impacts does not appear to adequately address the many possible impacts that should be discussed in the EIR. We also believe that this TCM merits a careful formulation of any rules should it be implemented as a TCM.

B7-P

We request that our comments be considered in your review and revisions to the Plan and DEIR.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dennis L. Butler".

Dennis L. Butler  
Director of Public Works

FRZ18

B7-1

**Response to Comment  
Letter B7**

RESPONSE B7-P

See Section 1.2 regarding comments on the CAP.

RESPONSE B7-1

The following text is added to TCM 16 discussion on page 4.2-47 following the second paragraph:

The effectiveness of this TCM is strongly dependent upon the rules developed to implement and conduct the indirect source review program. The District intends to frame the indirect source rule in such a way that it would encourage infill development and discourage sprawl development on the fringe of the urban area.

RESPONSE B7-P

See Section 1.2 regarding comments on the CAP.



**Santa Clara Valley  
Nonpoint Source  
Pollution Control Program**

5750 Almaden Expressway, San Jose CA 95118  
(408) 265-2600 FAX (408) 266-0271

August 16, 1991

Henry Hilken, Planner  
Bay Area Air Quality Management District  
939 Ellis Street  
San Francisco, CA 94109

Dear Mr. Hilken:

These comments on the BAAQMD 1991 Clean Air Plan ('91 CAP) and its Environmental Impact Report (EIR) are from the Santa Clara Valley Nonpoint Source Pollution Control Program (the SCV NPS Program). The comments address the potential for the '91 CAP to reduce pollutants in storm water, and other nonpoint source water pollutants, that originate with transportation sources.

The SCV NPS Program is committed to reducing water pollution from nonpoint sources in the Santa Clara Valley. The SCV NPS Program consists of the 13 municipalities in the Santa Clara Valley, the County of Santa Clara, and the Santa Clara Valley Water District. The SCV NPS Program is currently under a 5-year NPDES permit from the California Regional Water Quality Control Board, San Francisco Bay Region, that requires the participants to reduce pollutants in storm water and from other nonpoint sources.

**Purpose of Comments**

The SCV NPS Program recognizes that a portion of storm water pollutants in Santa Clara Valley originate with transportation, especially automotive transportation on streets and highways. Preliminary estimates by the SCV NPS Program suggest that heavily-travelled transportation corridors in the Santa Clara Valley contribute on the order of 5% of the nonpoint source load of some pollutants to the Lower South Bay.

**PROGRAM PARTICIPANTS:**

Campbell, Cupertino, Los Altos, Los Altos Hills, Los Gatos, Milpitas, Monte Sereno, Mountain View, Palo Alto, San Jose, Santa Clara, Saratoga, Sunnyvale, County of Santa Clara, and the Santa Clara Valley Water District



## Santa Clara Valley Nonpoint Source Pollution Control Program

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The SCV NPS Program has instituted a number of activities to characterize and control pollution from high-density automotive traffic corridors, including source control measures in its Storm Water Management Plan and a monitoring program to characterize pollutants in storm water runoff from highways in the Santa Clara Valley.

The SCV NPS Program believes that it can be most effective in promoting control and reduction of transportation pollutants at the source by coordinating with the many transportation control initiatives currently under way or planned in Santa Clara County and throughout the region. These initiatives include: Santa Clara County's Transportation 2010 Plan; the Congestion Management Agency's Congestion Management Plan; and the '91 CAP. The initial emphasis of the SCV NPS Program is the reduction and control of pollutants at the source, rather than costly end-of-pipe treatment controls. The Regional Water Quality Control Board has required the SCV NPS Program to implement numerous control measures, but has not precluded the more costly end-of-pipe measures. The additional storm water pollution reduction benefits that could be achieved by the '91 CAP could help the municipalities of the SCV NPS Program achieve their goals without the need to implement the more costly measures. It is extremely important to the municipalities that the Draft '91 CAP and its EIR include a comprehensive analysis of both air and water quality impacts and benefits.

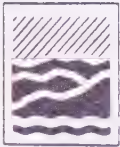
B8-1

The following comments address the '91 Draft CAP and its EIR in more detail.

### I. Clean Air Plan

In general, our concern is that the Draft '91 CAP does not have a firm implementation plan for the various measures which would reduce vehicle-miles in the Bay Area. Specific comments follow.





## Santa Clara Valley Nonpoint Source Pollution Control Program

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B8-P

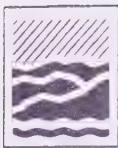
The Draft '91 CAP contains TCMs which are intended to reduce pollutant emissions from transportation sources and will be effective in assisting the SCV NPS Program in achieving its goals to reduce nonpoint source water pollution because some of the pollution increases directly with number of vehicle-miles traveled. Some pollution originates from the particulates deposited by vehicles on roads and highways from road wear on tires and other vehicle parts. Also, some pollution originates from liquids deposited on roads and highways by incidental leakage while driving. The local agencies that will be responsible for the implementation will need to know water quality and air quality benefits associated with each TCM so that they can allocate appropriate resources and assign priorities. We recommend that you identify water quality benefits associated with each TCM.

## II. Environmental Impact Report

The draft EIR addresses the impacts on hydrology and water quality that are anticipated to result from implementing the '91 CAP in Section 4.10, pages 4.10-1 through 4.10-18. Storm water quality and hydrology are the subjects of concern to the SCV NPS Program, so our comments are directed at Section 4.10. The following comments address in general our concerns with water quality and hydrology information in the EIR, and other concerns about the accuracy and completeness of specific information included in Section 4.10.

B8-2

1. EIR does not adequately address water quality impacts and benefits of the '91 CAP. In general, we are concerned that the section does not completely describe the impacts and benefits of the '91 CAP on water quality in general and storm water in particular. Implementing a particular TCM may accrue benefits not only for air quality but also for storm water pollution control, and if the implementing municipality knows this it may



# Santa Clara Valley Nonpoint Source Pollution Control Program

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be more likely to allocate resources to the TCM. The water quality benefits of the '91 CAP, and of its component TCMS, should be described in the EIR with enough information to inform Bay Area cities about the full environmental benefits of the TCMS, so that they may consider all potential benefits when they make their decisions about implementing the various TCMS and other portions of the '91 CAP for which they are expected to be responsible. In its present form, the information in the EIR is not sufficient for that purpose.

B8-3

2. Incorrect characterization of fresh water inflow to the Lower South Bay. Page 4.10-1 states that "(t)he Sacramento and San Joaquin Rivers contribute almost all of the fresh water inflow to the Bay." While this is true for the Bay in general, it is not so for the restricted area south of the Dumbarton Bridge which has relatively little intermixing with water from the northern portion of the Bay. Although the smaller creeks and rivers which enter this portion of the Bay are a very small portion of the total volume of fresh water that enters the entire Bay, they are the controlling factors locally for the quantity and quality of water in the Lower South Bay. Much of the runoff in these streams originates in watersheds with dense urban development, and its water quality is strongly affected by pollutants from streets, highways, and other urban surfaces. Depending on the season, as much as one-half of the fresh water that enters the Lower South Bay originates as point source discharges from the three wastewater treatment plants which discharge there.

B8-4

3. Incorrect description of groundwater sampling network. Page 4.10-2 states that "the Regional Water Quality Control Board (RWQCB) maintains a groundwater monitoring network of wells in the Bay Area." The RWQCB does not maintain any such coordinated network, although it does have access to some ground water quality investigations conducted by private parties or public agencies. These investigations typically are localized, conducted for a particular purpose such as monitoring quality in a drinking water well or gathering data for remediation of a known contaminated site.





# Santa Clara Valley Nonpoint Source Pollution Control Program

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In fact, the water quality of groundwater throughout the Bay Area is not well understood, as there has not been enough data collected to fully characterize the groundwater resources. It is misleading to imply the existence of a network intended to "record existing conditions, establish baseline conditions, evaluate trends in quality, detect pollution and water quality degradation at an early stage, and evaluate the effect of point and non-point source pollution on groundwater quality." Existing facilities are not designed for, or capable of, serving these purposes.

4. Incorrect assignment of jurisdiction for flood control facilities. In the Santa Clara Valley region of Santa Clara County, the large majority of open channel "public drainage facilities" are operated by the Santa Clara Valley Water District (SCVWD), not "under the jurisdiction of the local government" as stated on page 4.10-3. Local governments operate enclosed storm water drain pipes and smaller channels, those which drain 320 acres of watershed or less. These channels constitute less than 5% of the open storm water conveyance facilities in the Santa Clara Valley. This is an important point regarding institutional arrangements to implement TCMs and similar environmental control measures, because the individual cities and towns of Santa Clara County will implement all local portions of the TCMs as well as many storm water pollution control measures, while the SCVWD will implement several important storm water pollution control measures related to open drainage facilities.

5. Incorrect description of jurisdiction for flood control. On page 4.10-4, the Draft '91 CAP states that "City and County Public Works Department are responsible for flood control and storm drainage systems within the individual cities and Counties." Many parts of the Bay Area are served by a flood control district which is responsible for maintaining flood control facilities and larger storm water conveyance facilities. As noted in the above comment, the SCVWD holds this responsibility for a large part of Santa Clara County, in addition to its responsibilities for supplying potable water to its region.



## Santa Clara Valley Nonpoint Source Pollution Control Program

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B8-7

6. Correct statement regarding beneficial uses designation. On page 4.10-4, the Draft '91 CAP states that "beneficial uses of surface water, groundwater, marshes, and mud flats serve as the basis for water quality standards and discharge prohibitions to attain water quality goals," and lists the variety of different beneficial uses that may be applied. This is accurate in summary, but it would be useful to make the point that the beneficial uses for *each* water body in the Region are selected by the RWQCB in its Basin Plan as a policy decision that is open to public debate. The decision about beneficial uses of a particular water body strongly affects decisions such as the degree of pollution control required for discharges to the water body, and has wide-reaching environmental and economic consequences.

B8-8

7. Correct/clarify agencies responsible for regulating industrial wastewater. On page 4.10-5, the Draft '91 CAP states that "Industrial wastewater discharge is currently regulated by EPA through NPDES." Several other institutions play important roles in industrial wastewater discharge. First, in California the RWQCB, not EPA, issues and enforces NPDES permits under authority granted by EPA. Second, NPDES permits apply only to the relatively few industrial facilities that discharge wastewater directly to a receiving water. The majority of industrial firms discharge to a local publicly-owned treatment works (POTW), and the POTW is responsible for regulating discharge on a day-to-day basis. The POTW must hold an NPDES permit from the RWQCB for its own discharges, so its industrial discharge program is subject to regulation to the RWQCB. About 75 POTWs exist throughout the Bay Area. It is the POTW which has direct contact with its industrial dischargers. It is the POTW's institutional arrangements which have the greatest capability to influence the kinds of discharges received by the treatment plant and, in turn, the receiving waters. In many municipalities of the Bay Area, particularly in the Santa Clara Valley, the POTWs may also play an important role in the near future implementing requirements to regulate industrial storm water discharge.

### PROGRAM PARTICIPANTS:

Campbell, Cupertino, Los Altos, Los Altos Hills, Los Gatos, Milpitas, Monte Sereno, Mountain View, Palo Alto, San Jose, Santa Clara, Saratoga, Sunnyvale, County of Santa Clara, and the Santa Clara Valley Water District





# Santa Clara Valley Nonpoint Source Pollution Control Program

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B8-9

8. Correct statement regarding what agencies develop water quality standards and current local efforts to control water pollution from new developments. On page 4.10-5, the Draft '91 CAP states that "Bay Area cities and counties have water quality standards in place that are considered during the local development and review process and would prevent new additions to the drainage system that do not meet established standards." There is no such preexisting coordinated planning procedure in most cities and counties in the Bay Area to evaluate a new proposal for development on the basis of its effect on water quality or quantity, or to require that developers include mitigation measures for water quality or hydrology impacts. Cities and counties do not develop water quality *standards*, although they often need to consider standards set by EPA, the RWQCB, and other agencies. Cities and counties may make some efforts to take these standards into account; for instance, undesirable effects may be identified by cities during the process of reviewing construction permits, which occasionally entails review of an EIR prepared for another agency. But this process is very different from one city to another, and varies greatly in effectiveness. The planning and review processes of Bay Area cities in general are not designed to operate for the purposes described here.

B8-10

9. Qualify statements regarding local government EIR review process. Page 4.10-17 states that "local governments would monitor site specific mitigation measures through project review, plan checking, and reporting procedures that would include on-site inspections." As noted under Comment 8, local governments make use of existing resources and institutional structures to review environmental effects of new projects as they find appropriate, but there is no established methodology for evaluating water quality impacts at the level of local government. The ABAG standards for construction site erosion control are one of very few examples of standard practices that have been developed and agreed upon throughout the Bay Area as pollution control measures. Many kinds of environmental impacts, including other forms of nonpoint source water pollution, can be significant in a construction project of the nature envisioned here. It

## PROGRAM PARTICIPANTS:

Campbell, Cupertino, Los Altos, Los Altos Hills, Los Gatos, Milpitas, Monte Sereno, Mountain View, Palo Alto, San Jose, Santa Clara, Saratoga, Sunnyvale, County of Santa Clara, and the Santa Clara Valley Water District



## Santa Clara Valley Nonpoint Source Pollution Control Program

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is not clear that "many mitigation measures and monitoring programs already exist" at the local level in Bay Area municipalities.

B8-11

Implementing high-quality environmental review and mitigation measures would be a new undertaking for many municipalities, and could be a large financial burden whether their existing institutions are capable of such an effort or not. These programs should not be relied upon as a mitigation measure for the Draft '91 CAP. The text implies that suggested programs from existing local, State, and federal agencies will be readily adaptable by Bay Area municipalities and that these resources would ease the municipalities' burden in monitoring site specific mitigation measures. However, developing appropriate procedures (construction standards, local ordinances, permit approval processes, etc.) entail significant effort by a municipality even if they are modeled on suggested procedures developed elsewhere. If such resources exist, the Draft '91 CAP should list and describe them so that Bay Area municipalities may easily locate them and evaluate whether they are adequate for the municipalities' anticipated new requirements.

B8-12

10. Need to quantify water quality benefits of TCMs. Beneficial water quality impacts are addressed in two sections on page 4.10-7 of the Draft '91 CAP under "Impacts and Mitigation Measures." These are accurate in principal and in summary, and we concur with the assessment that reducing vehicle-miles travelled would have important benefits in reducing nonpoint source pollution that originates with automobile travel. However, as noted in Comment 1 above, we feel the section would be much more useful (especially to the municipalities who will implement the TCMs) if it were to further analyze the potential water quality benefits of the TCMs as well as the potential adverse impacts. It is possible and highly desirable to estimate the quantity of storm water pollutants that would be avoided by full implementation for each of the TCMs, using modelling methods similar to those used in the Draft '91 CAP to estimate quantitative reduction in air pollutant emissions. A great deal of information is available that relates

### PROGRAM PARTICIPANTS:

Campbell, Cupertino, Los Altos, Los Altos Hills, Los Gatos, Milpitas, Monte Sereno, Mountain View, Palo Alto, San Jose, Santa Clara, Saratoga, Sunnyvale, County of Santa Clara, and the Santa Clara Valley Water District



## Santa Clara Valley Nonpoint Source Pollution Control Program

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water pollution effects to intensity of vehicle traffic, including the SCV NPS Program's monitoring results present in its 1990-91 Annual Report.

If the available published information is inadequate for this purpose, we recommend that the BAAQMD and/or MTC institute a similar monitoring program to further characterize pollutants from other transportation corridors in the Bay Area.

Please call me at the District if you have any questions regarding the above comments.

Roger B. James, Chairman  
Management Committee

PROGRAM PARTICIPANTS:

Campbell, Cupertino, Los Altos, Los Altos Hills, Los Gatos, Milpitas, Monte Sereno, Mountain View, Palo Alto, San Jose, Santa Clara, Saratoga, Sunnyvale, County of Santa Clara, and the Santa Clara Valley Water District



**Response to Comment  
Letter B8**

RESPONSE B8-1                      A comprehensive analysis of both air and water quality impacts and benefits has been provided in the DEIR to the extent possible in a program level EIR. Please refer to Chapter 4.1 and 4.10 of the DEIR.

RESPONSE B8-P                      See Section 1.2 regarding comments on the CAP.

RESPONSE B8-2                      The purpose of an EIR is to identify the significant [adverse] effects of a project on the environment (CEQA Guidelines, June 1986). The text of the Draft EIR notes that "implementation of all of the CAP mobile source control measures may have a substantial beneficial effect on the surface water and groundwater of the Bay Area" (p. 4.10-8). In addition, the Draft EIR cites specific measures, either alone or grouped with related measures, which are expected to result in decreased impacts on water quality related to automobile use. Although it is beyond the scope of the EIR to quantify the projected beneficial water quality effects of the proposed 1991 CAP, it is the document's intention that sufficient information be provided to inform the reader of the general beneficial water quality impacts expected to result from implementation of the proposed project.

RESPONSE B8-3                      The statement cited in the comment is correct and does not contradict the information presented in the DEIR. The BAAQMD recognizes that local "controlling factors" may vary within portions of the Bay, as cited in the comment. The characterization of fresh water inflow to the Lower South Bay will be added after the third sentence in the last paragraph on page 4.10-1 of the Draft EIR:

The Lower South Bay, south of Dumbarton Bridge, has relatively little intermixing with water from the northern portion of the Bay. This portion of the Bay is fed predominately by local small creeks and rivers and from the discharge of three wastewater treatment plants.

RESPONSE B8-4                      The text cited in the comment is not intended to imply that the RWQCB has a fully "coordinated network" or that groundwater resources have been fully characterized. The capabilities of the network, such as "to record existing conditions," etc., were attributed in the cited reference. The second and third sentences of the first paragraph under the heading **Groundwater**, on page 4.10-2 are revised to read as follows:

The Regional Water Quality Control Board (RWQCB) does not maintain a coordinated groundwater network; however, it does have access to some groundwater quality investigations



conducted by public and private parties. This data, where available, is used to record existing conditions, establish baseline conditions, evaluate trends in quality, detect pollution and water quality degradation at an early stage, and evaluate the effect of point and non-point source pollution on groundwater quality.

RESPONSE B8-5

The cited sentence on p. 4.10-3 further states "...with the exception of facilities that are part of a flood control district."

RESPONSE B8-6

The fifth bulleted item on page 4.10-4 of the DEIR is revised to read:

City and County Works Departments, and in some cases flood control districts, are responsible for flood control and storm drainage systems with the individual cities and counties.

RESPONSE B8-7

The following text is added after the first paragraph on page 4.10-5 of the Draft EIR:

Beneficial uses for every water body in the Region are selected by the RWQCB in its Basin Plan. The decision about beneficial uses of a particular water body affects decisions such as the degree of pollution control required for discharges to the water body.

RESPONSE B8-8

The following text is added after paragraph 2 on page 4.10-5 of the Draft EIR:

Several other institutions play important roles in industrial wastewater discharge. First, the RWQCB issues and enforces NPDES permits under authority granted by the EPA. The majority of industrial firms discharge to a local publicly-owned treatment works (POTW), which is responsible for regulating discharge. The POTW must hold an NPDES permit from the RWQCB for its own discharges. About 75 POTWs exist throughout the Bay Area (Roger B. James, Santa Clara Valley Nonpoint Source Pollution Control Program).

RESPONSE B8-9

The first sentence of paragraph 4 on page 4.10-5 is amended to read:

Bay Area cities and counties may consider, in evaluating local development, whether or not projects meet established water standards and may require modification of projects that would adversely affect water quality.

- RESPONSE B8-10      The commenter apparently refers to the text on page 4.10-7 of the Draft EIR (and not 4.10-17 as indicated in the comment). This text does not conflict with the information presented in the comment.
- RESPONSE B8-11      The Draft EIR does not suggest that new municipal systems be created to implement environmental review for projects related to the proposed 1991 CAP. It is the intention of the Draft EIR and the Mitigation Monitoring Plan, in accordance with CEQA and AB 3180, to identify reasonable mitigation measures and to monitor their implementation. In some instances, it is the responsibility of local municipalities to implement identified mitigation measures. To the extent that existing systems do not support and enforce environmental review and regulation, mitigation measures cited in the Draft EIR may be weakened.
- RESPONSE B8-12      Please see the response to comment B8-2.



## CITY OF NEWARK, CALIFORNIA

37101 Newark Boulevard • Newark, California 94560-3796 (415) 793-1400 FAX (415) 745-9972

August 15, 1991

Henry Hilken, Planner  
Bay Area Quality Management District  
939 Ellis Street  
San Francisco, CA 94109

RE: COMMENTS ON DRAFT EIR FOR THE 1991 BAY AREA CLEAN AIR  
PLAN (CAP)

Dear Mr. Hilken:

The Newark City Council, at the June 13, 1991 meeting, expressed several concerns with the draft 1991 Clean Air Plan (CAP) as follows:

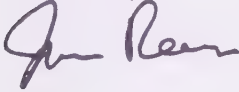
1. The Transportation Control Measures (TCMs) proposed under the "reasonably available" category should be modified to insure they do not usurp local land use authority. Any HOV lane designation system should be regional in scope and initial HOV occupancy requirements should be established low enough to encourage greater ridesharing and HOV lane utilization.
2. Under the "market based incentives" category of TCMs, a parking management program is proposed. This program does not assess the potential economic impact on local governments. This assessment should be completed since both property and sales tax revenues will be negatively impacted by such a program.
3. The proposed plan subjects stationary sources to considerable quantitative analysis which provides valuable insights on the costs and benefits of each of these proposed measures. However, the TCMs proposed do not appear to have been evaluated to the same extent. A cost/benefit analysis should be completed on the various TCMs and the TCMs ranked on that basis rather than the three-phase implementation system as proposed in the plan.
4. The Clean Air Plan, while providing insightful long-range goals, is lacking in implementation recommendations. There is little guidance in the plan on which agency will be responsible for carrying out which aspect of the plan. Implementation recommendations should be included.

B9-P

August 15, 1991

Please consider these comments in your review of the Draft Environmental Impact Report. If you have any questions on these comments or on the City of Newark's position on the Clean Air Plan, please feel free to give me a call at (415) 790-7214. Thank you very much for the opportunity to comment on this document.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jim Reese". The signature is fluid and cursive, with the first name "Jim" and last name "Reese" clearly distinguishable.

JIM REESE  
Community Development Director

JR:gy\lb



**Response to Comment  
Letter B9**

**RESPONSE B9-P**

See Section 1.2 regarding comments on the CAP.





## CITY OF SAN JOSE, CALIFORNIA

DEPARTMENT OF CITY PLANNING  
801 NORTH FIRST STREET  
SAN JOSE, CA 95110-1795

GARY J. SCHOENNAUER  
DIRECTOR OF PLANNING

August 13, 1991

Mr. Henry Hilken, Planner  
Bay Area Air Quality Management District  
939 Ellis Street  
San Francisco, CA 94109

Subject: 1991 Bay Area Clean Air Plan (CAP) Draft Environmental  
Impact Report (DEIR)

Dear Mr. Hilken:

The City of San Jose has reviewed the 1991 Bay Air Clean Air Plan Draft EIR and would like to make the following comments.

In general, this DEIR provides thorough coverage of the CAP's environmental impacts. The City of San Jose's comments are limited to recommending that the following points be stated explicitly within the Energy section and the Hydrology and Water Quality section:

Energy:

The introduction to the energy section does not sufficiently address the correlation between energy efficiency and reductions in air pollution. Conversely, control measures that reduce air pollution, especially those which reduce congestion or increase transit use, also increase energy efficiency.

B10-1

Hydrology and Water Quality:


Control measures which reduce air pollution usually produce beneficial side effects with respect to water pollution. For example, reductions in vehicle miles traveled reduce deposition of oil and other pollutants on street surfaces. Since these pollutants are no longer available to be mobilized by runoff and carried by the storm drains to surface waters, control measures which reduce air pollution also result in a reduction of water pollution from non-point sources. These points are not sufficiently addressed in this section.

B10-2


Mr. Henry Hilken  
August 13, 1991  
Page Two

We thank you for the opportunity to comment on the 1991 Bay Area Clean Air Plan Draft EIR.

Sincerely,



Gary J. Schoennauer  
Director of Planning



GJS:LQ:sh

5008L



**Response to Comment  
Letter B10**

**RESPONSE B10-1**

The relationship between energy efficiency and reductions in air pollutant emissions is addressed in the introduction to the Impact and Mitigation Measures portion of Chapter 4.7, Energy. Impacts 4.7-1, 2, 5 through 9, 12 through 15, 19 and 20 discuss the energy benefits of reduced congestion or increased transit use.

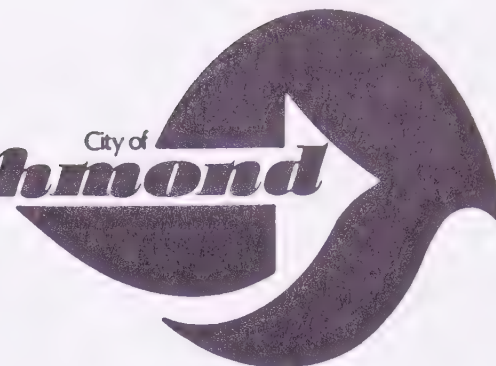
**RESPONSE B10-2**

Please see the response to comment B8-2.



Office of the  
PLANNING DIRECTOR

City of  
**Richmond**



August 14, 1991

Mr. Henry Hilken, Planner  
Bay Area Air Quality Management District  
939 Ellis Street  
San Francisco, CA 94109

Dear Mr. Hilken:

Thank you for the opportunity to provide comments on the Draft Environmental Impact Report (EIR) for the 1991 Bay Area Clean Air Plan (CAP). My comments follow. They focus on a mitigation monitoring program, three TCMs and required alternative analyses.

1. Mitigation Monitoring Program. Although this is a program EIR, the importance and potential long-term impact of these mitigations deserve an established monitoring program to ensure continuous assessment of the mitigations' impacts. B11-1

2. TCMs 16, 18 and 21. These three TCMs have far reaching impacts. TCM 16 could reduce local land-use decision making authority. TCM 18 is aimed at substantial changes to existing land-use around BART Stations. TCM 21 could significantly affect the cost of commuting and the disposable income of low and moderate income employees in the Bay Area. B11-2

The Draft EIR fails to adequately assess the impacts of these mitigations. B11-2

3. Project Alternatives. The Draft EIR fails to adequately analyze realistic alternatives. For example, the Draft EIR should examine the alternative of providing for shorter commute trips by encouraging improved jobs/housing balance. This alternative is arguably a realistic alternative. B11-3

Sincerely,

Jim Farah  
Planning Director

**Response to Comment  
Letter B11**

**RESPONSE B11-1**

Please see the response to comment B1-1.

**RESPONSE B11-2**

DEIR Chapter 4.3, Land Use and Planning, discusses potential land use impacts of TCMs 16 and 18. The DEIR attempts to illustrate the potential impacts of these programs on a region-wide basis. It is not within the scope of the program EIR to evaluate impacts at each location where they may occur. Further definition of the rules will occur through BAAQMD's formal rule-making process and processes of other agencies responsible for implementing measures in the CAP. Regarding the effects of the revenue measures, the Socioeconomic Report concludes that significant cost impacts could occur to low-income persons if sufficient mitigation, in terms of transit, use subsidies and improved transit availability, is not in place. However, under the standards of significance for economic impacts imposed under current regulations implementing CEQA, this impact is not included in the DEIR.

**RESPONSE B11-3**

The DEIR addresses two control measures aimed at improving the jobs/housing balance, TCMs 18 and 19, "High Density Zones at Transit Stations" and "General Plan Air Quality Elements" (see page 3-32 of the DEIR). Also, one of the goals of TCM 16, Indirect Source Control, will be to improve the jobs/housing balance. See subsequent sections of the DEIR for related environmental impacts resulting from the implementation of these control measures.





LETTER B12

**MONTEREY BAY UNIFIED AIR POLLUTION CONTROL DISTRICT**  
24580 Silver Cloud Court Monterey, California 93940 (408) 647-9411 FAX (408) 647-8501

**Abra Bennett Air Pollution Control Officer**

July 30, 1991

Henry Hilken, Planner  
Bay Area Air Quality Management District  
939 Ellis Street  
San Francisco, CA 94109

SUBJECT: DEIR FOR THE 1991 BAY AREA CLEAN AIR PLAN

Dear Mr. Hilken:

Staff has reviewed the draft environmental impact report for the 1991 Bay Area Clean Air Plan and has the following comments:

1. It is our understanding that implementation of the proposed NO<sub>x</sub> control rule for the PG&E facility in the Bay Area has the potential to shift energy demand to the PG&E facility at Moss Landing for a substantial period of time. Emission increases at PG&E have the potential to have a significant adverse impact on air quality in the Monterey Bay Region.
2. The DEIR for the 1991 Plan does not address the potential impact of this proposed control measure on air quality within our region. We recognize that this may be too early in the rule development process to adequately address this issue and recommend that it be fully evaluated in the environmental document prepared for rule adoption.

B12-1

B12-2

Thank you for the opportunity to review the document. If you have any questions, do not hesitate to call Janet Brennan of our planning staff.

Sincerely,

Douglas Quetin  
Chief, Planning and Air  
Monitoring Division

cc: N. Papadakis, AMBAG  
File: 3442  
PAM/jb

**District Board Members**

Supervisor Marc Del Piero  
Monterey County

Supervisor Mike Graves  
San Benito County

Supervisor Barbara Shipnuck, Vice Chair  
Monterey County

Supervisor Kann Strasser Kauffman  
Monterey County

Supervisor Robley Levy  
Santa Cruz County

Supervisor Gary Patton, Chair  
Santa Cruz County

Supervisor Tom Perkins  
Monterey County

Supervisor Ruth Kesler, Alternate  
San Benito County

B12-1

**Response to Comment  
Letter B12**

**RESPONSE B12-1**

The Control of Emissions from Electric Power Generating Boilers (D3) control measure is not intended to shift energy demand to the PG&E facility at Moss Landing. CAP control measures are aimed at reducing emissions at the source and not shifting emissions from the Bay Area air basin to adjacent air basins. The comment is noted that emission increases at PG&E could adversely affect air quality in the Monterey Bay Region.

**RESPONSE B12-2**

While the DEIR does not specifically address the cumulative effects of Control Measure D3, it does address the cumulative impacts of the CAP (see page 4.1-42). The District will coordinate the scheduling of control measure D3 after contacting other air districts regulating PG&E. The District will consult with neighboring air districts during rule formulation. It should be noted that MBUAPCD has some control over emissions at PG&E through their own regulatory process, including rules adopted due to CCAA requirements and the CEQA process.



LEAGUE OF  
WOMEN VOTERS  
OF THE BAY AREA

An Inter League Organization of the San Francisco Bay Area

August 19, 1991

Paul L. Cooper, Chairperson  
and Members of the Board of Directors  
Bay Area Air Quality Management District (BAAQMD)  
939 Ellis Street  
San Francisco, CA 94109

RE: League of Women Voters of the Bay Area Comments on the Draft  
Environmental Impact Report for the Bay Area 1991 Clean Air Plan.

Dear Chairperson Cooper and Members of the Board of Directors of  
the BAAQMD:

The League of Women Voters of the Bay Area has reviewed the Draft  
Environmental Impact Report (DEIR) for the Bay Area 1991 Clean  
Air Plan. Based on recent study of the California Environmental  
Quality Act (CEQA) the League favors a clear process for  
determination of environmental impacts by the district that also  
insures ease of assessment by the public. This letter and the  
attached comments are based on our CEQA study and review of this  
DEIR.

First, we think it was appropriate to prepare a draft Program EIR  
for the 10-year general Clean Air Plan (CAP), with Supplemental  
EIRs to follow as needed. This kind of EIR covers broader issues  
and cumulative impacts can be more adequately addressed.  
However, in the attached comments we note that:

- (1) the DEIR process was flawed and should have been handled in  
a more timely manner;
- (2) alternative institutional mechanisms and agency empowerment  
should have been reviewed for their potential impact on air  
quality processes and the ability to put in place contingency  
measures;
- (3) there is a need for implementation of nitrogen oxide  
controls;
- (4) Transportation Control Measures (TCMs) need more detail--  
probably in a Supplemental EIR;
- (5) for better implementation, the BAAQMD should:
  - (a) have a role in developing monitoring procedures for  
TCMs,
  - (b) assign all DEIR mitigations to appropriate agencies,  
including congestion management agencies, and enter into an  
agreement with MTC that assigns to either MTC or the BAAQMD  
monitoring of all DEIR TCM mitigations,
  - (c) prepare an annual evaluation/ update on progress on the  
State Implementation Plan (SIP), and
  - (d) look for ways to guide other agencies towards program  
implementation;

C1-1

C1-2

C1-P

C1-3

C1-P

C1-4

C1-P

C1-1

C1-5

- ↑
- (6) BAAQMD should aggressively pursue adopted indirect source control and public education programs;
  - (7) Although BAAQMD lacks power over local land use, the district should use its powers of persuasion and public education to affect land uses leading to air pollution;
  - (8) Before the Final EIR is produced, a public hearing should be held on the adequacy and completeness of the EIR and the activities, mitigations, and monitoring called for.

The Bay Area 1991 CAP has achievable goals, if responsible agencies follow through. There are shared responsibilities for many of the indirect sources and vehicle controls. MTC and BAAQMD have roles, and cities and counties with their land use control function also have roles. There is also a need for shared implementation. Often public agencies give lip service to cleaning the air, but fail to use the powers they have to get the job done.

C1-P

We commend the Bay Area Air Quality Management District for doing a thorough job of checking out the effects of a variety of control measures to determine whether they will make the air we breathe better or worse. The League also compliments the district for being more than an observer in taking on the responsibility for encouraging: (1) city and county governments to amend their general plans to include the BAAQMD standards, (2) coordination of transportation linkages with land use development (pp.4.3-13,14 and 15) and, (3) amendment of general plans to allow high density and mixed-use zoning near transit stations.

Thank you very much for giving us an opportunity to respond to the DEIR. Our more detailed comments on specific sections of the document are attached.

Very truly yours,

*Jane Bergen*

Jane Bergen  
Program Director

*Ora Ruth*

Ora Ruth  
CEQA-Mitigation Director



August 19, 1991

COMMENTS ON THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT'S DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR THE BAY AREA 1991 CLEAN AIR PLAN:

1. PROCESS/ PUBLIC PARTICIPATION

A. The DEIR was not out early enough for adequate review and oral response at the public hearings by interested parties. The letter of transmittal was dated July 3, 1991, but the earliest mailings came two weeks after this date.

B. There was no opportunity to speak to the DEIR. Public hearings, scheduled for review of both the Clean Air Plan and DEIR, took place before the League received copies and therefore precluded oral comments (generally perceived by the League as more effective than written comments).

C. Public review of the DEIR was poorly handled. In addition to A. and B. above, copies were not automatically mailed to BAAQMD Advisory Council members. The League tried to pick up a copy at district headquarters, and was told they were ready, but would be mailed--and we received a copy two weeks later.

C1-6

C1-7

2. CONSIDERATION OF ALTERNATIVES

A. All alternatives were not reviewed. Physical alternatives were adequately reviewed but the DEIR ignored institutional mechanism alternatives and their potential impacts on processes. For example, the institutional restructuring proposed by the Bay Vision 2020 Commission and the major empowering of the Joint Air Quality Planning Committee (JAQPC) currently under discussion by the committee -- were not mentioned.

C1-P

3. AIR QUALITY CONTROL SYSTEM NEEDS

A. In the past, the district pursued hydrocarbons under a broad protective strategy allowing modeling in gross terms, without attempting to control nitrogen oxides. Now that the district is implementing all reasonable controls with respect to hydrocarbons, there is more interest in getting into the detail needed to become knowledgeable about controlling nitrogen oxides.

LWVBA Comments on the DEIR for the Bay Area CAP.

4. TRANSPORTATION CONTROL MEASURES

- C1-8 A. Transportation Control Measures (TCMs) need more detail, probably in a Supplemental EIR. The DEIR gave thorough coverage of impacts and mitigation measures from Traffic Operation Management Control Measures, especially the use of diesel buses. However, re pp.4.1-26 to 4.2-40 the League makes these recommendations:
- C1-9 -- Diesel exhaust, methane, and formaldehyde comments on pp.4.1-27 and -30 should have noted that use of
- C1-10 alternative fuels would be a better way to fuel buses.
- C1-11 -- There should be monitoring program for implementation of mitigation measures.
- C1-12 -- The various agencies responsible should be cooperating and coordinating programs, and who should do what on the TCMs needs to be spelled out.
- C1-13 -- As a base case from which to move on, the DEIR doesn't get into the existing situations under which responsibility now rests with local governments and the fact that the CAP will indirectly affect existing situations.
- C1-P -- Bay Area transit operating agencies have real budget problems and they suffer from economic impacts of regulations, so they tend to blame the Air Quality Program for their economic woes, without noting other factors.
- C1-14 -- A public education program is needed so the public understands its role in making TCMs work.
- C1-15 -- Who will monitor the follow through on HOV lane implementation? Will it be CalTrans? What if there are state budget problems and no follow through as happened with the 1982 BAAQMD plan?
- Re p.4.2-40 and hazards when changing lanes to get into and out of HOV lanes. Would appropriate signing solve the problem?

In summary, the TCM problems should be studied, mitigations proposed and implemented, and the problems minimized.

LWVBA Comments on the DEIR on the Bay Area CAP

5. MONITORING IMPLEMENTATION PROGRAMS

A. The BAAQMD should have a role in developing procedures for monitoring implementation of TCM's. Re pp.4.2-2 to -55: Because the Metropolitan Transportation Commission's (MTC's) TCM Plan was adopted as part of the Bay Area CAP, all transportation agencies in the 9-county area have responsibility for implementing appropriate air quality control measures. As part of the joint responsibility with MTC and the uncertainty associated with many of the TCMs (p.4-2-25), the BAAQMD will need to keep up with what these agencies are doing and look for ways to keep them on track.

B. Responsibility for each DEIR mitigation measure should be assigned to a specific public agency, with oversight monitoring of all mitigation requiring action to be shared and assigned by agreement between MTC and BAAQMD.

C. The BAAQMD should prepare an annual evaluation/ update of regional progress on the State Implementation Plan (SIP) -- similar to what MTC does for the Transportation Improvement Program (TIP).

D. The district should look for ways to guide other agencies toward more effective plan implementation. For example, re p.4.2-4, Table 4.2-1, FTTCM 2 on the 5-year plan to increase transit ridership between 1983 and 1987 that failed; perhaps a push from BAAQMD would have resulted in more transit rider parking lots at better locations and more transit ridership. Likewise, re p.4.2-5, FTTCM 11: the State Energy Commission's program to train large vehicle fleet operators in techniques for saving fuel was discontinued. Perhaps BAAQMD could have mounted a campaign to save this program that would have made a significant difference.

E. Monitoring of implementation should look into and report on timeliness, completeness, and lead agency awareness of implementation powers.

F. The BAAQMD should make certain that funding for mitigation is adequate to cover short-term and long-term on-going needs and unexpected adverse environmental impacts.

C1-16

C1-17

C1-P

C1-18

C1-19

C1-20



C1-21

6. INDIRECT SOURCE CONTROL AND PUBLIC EDUCATION PROGRAM

A. The BAAQMD should note in the DEIR that the district will aggressively pursue adopted indirect source control and public education programs. Re p.4.2-22, #16 and 17: There would be many benefits to the region if these two proposals were implemented together. Public education and controls leading to better site design, mixed use and higher density development, on-site parking charges, special event traffic management, airport expansion review, and assessment of capacity increasing roadways could reduce air pollution.

C1-22

7. LAND USE AND PLANNING

A. The district, although lacking power to control local land use decisions, should use its powers of persuasion and public education to encourage beneficial land uses and broadcast information about the failure of some local land use actions to help clean up the air. See p.4.3-5 for a good example of anticipated district action to encourage location of new rail lines and stations underground to lessen disruption of existing communities.

C1-23

8. FINAL EIR

A. Before the Final EIR is produced, there should be a public hearing on: (1) the adequacy and completeness of the EIR, and (2) definition of the activities, mitigations, and monitoring.



**Response to Comment  
Letter C1**

RESPONSE C1-1	This comment is not specific about how the DEIR process was allegedly flawed, but the District assumes this comment refers to Comment C1-6, below. Please refer to Response C1-6 for responses to specific issues addressed by the commenter.
RESPONSE C1-2	In evaluating CAP alternatives, the District focused on the control measures in the CAP rather than the institutional mechanisms and agency powers that might implement the control measures. Implementation of CAP control measures will require action by a variety of local, regional and state agencies. However, because "severe" areas such as the Bay area are required by the CCAA to adopt all feasible measures as expeditiously as possible, the District considers it essential to pursue a control strategy that will reduce emissions as soon as possible. If the District adopted a plan dependent upon alternative institutional mechanisms not currently in place, implementation of control measures and reductions in air pollutant emissions would be significantly delayed. If the public and their local or state representatives choose to adopt new institutional mechanisms for the Bay Area, such mechanisms will be accounted for in future CAP updates.
RESPONSE C1-P	See Section 1.2 regarding comments on the CAP.
RESPONSE C1-3	The implementation and details of specific TCMs identified in the CAP will be addressed by the District during the rule development and adoption process and processes of other agencies responsible for implementing measures in the CAP.
RESPONSE C1-P	See Section 1.2 regarding comments on the CAP.
RESPONSE C1-4	Implementation of mitigation measures are assigned in the DEIR to appropriate agencies, as best as can be foreseen now. Upon certification of the Final EIR, the District will also adopt a Mitigation Monitoring Plan, as required by AB 3180, which will identify agencies responsible for implementing mitigation measures.
RESPONSE C1-P	See Section 1.2 regarding comments on the CAP.
RESPONSE C1-5	The BAAQMD Board of Directors held a public hearing on the Draft CAP on July 3, 1991 and a public hearing on the Draft CAP and Draft EIR on July 24, 1991. The BAAQMD Board will conduct a public hearing on the Final EIR and the Final CAP on October 30, 1991.
RESPONSE C1-P	See Section 1.2 regarding comments on the CAP.

- RESPONSE C1-6
- A. The District distributed the DEIR for public review and comment on July 5 and July 10, 1991. Some copies of the DEIR, including the copy sent to the League of Women Voters, were not distributed until July 10 due to time required for printing extra copies. The District regrets this delay, but believes that the public was afforded adequate opportunity to review and comment on the DEIR.
- B. As noted above, a copy of the DEIR was sent to the League on July 10, 1991. Per the League's request, a second copy was sent on July 19, 1991. The BAAQMD Board of Directors conducted a public hearing on July 24, 1991 regarding the adequacy and completeness of the DEIR. Written comments on the DEIR were accepted until August 19, 1991. The District believes the public was afforded adequate opportunity to review and comment on the DEIR. Although the League did not submit comments on the DEIR at the public hearings, the District has received the League's written comments.
- C. Please refer to Responses C1-6(A) and C1-6(B) above.

RESPONSE C1-7                      Please refer to Response C1-2.

RESPONSE C1-P                      See Section 1.2 regarding comments on the CAP.

RESPONSE C1-8                      The implementation and details of specific control measures identified in the CAP will be addressed by the District during the rule development and rule adoption process and processes of other agencies responsible for implementing measures in the CAP. In regards to the specific recommendations made by the League, refer to responses C1-9 through C1-15.

RESPONSE C1-9                      Alternative fuels typically refer to fuels other than gasoline and diesel. The air quality impacts of diesel exhaust have been noted in the DEIR (see Impact 4.1-4, page 4.1-26 of the DEIR). While the use of alternative fuels would result in a reduction in the emissions of carbon monoxide and ozone precursors, serving the primary objectives of the CAP, the use of certain alternative fuels could have adverse environmental impacts (see Impacts 4.1-7 and 4.1-8).

Mitigation measure 4.1-4(a) is revised to read:

Methanol-fueled, compressed natural gas or electric buses would be used where transit districts determined they were feasible.

The following text is inserted after the first sentence for Mitigation Measure 4.1-7:

*The increased use of compressed natural gas buses in this fleet would reduce emissions of formaldehyde (see Impact and Mitigation Measure 4.1-8).*

RESPONSE C1-10	Please see the response to comment B1-1.
RESPONSE C1-11	Both the DEIR and the Mitigation Monitoring Plan describe in the level of detail possible at this time which agency would do what. As further program development occurs, additional details would be available.
RESPONSE C1-12	The DEIR does address this issue in Section 4.2, Transportation, Section 4.3, Land Use, and Section 4.6, Public Services and Utilities.
RESPONSE C1-13	Comment noted.
RESPONSE C1-P	See Section 1.2 regarding comments on the CAP.
RESPONSE C1-14	<p>Please see the response to comment C1-11.</p> <p>It is true that State budget cuts could limit the implementation and effectiveness of certain TCMs. The CAP proposes a variety of revenue generating measures intended to provide funding for implementation of certain TCMs, including the completion of the regional HOV network.</p>
RESPONSE C1-15	Appropriate signing and design would mitigate the hazards.
RESPONSE C1-16	The District concurs with the commenter that monitoring of TCM implementation is needed. The Final CAP identifies the agencies responsible for implementing and enforcing TCMs and includes a commitment and schedule to develop a TCM monitoring program.
RESPONSE C1-17	Please see the response to comment C1-4.
RESPONSE C1-P	See Section 1.2 regarding comments on the CAP.
RESPONSE C1-18	The District agrees that there are many programs and opportunities that we might take advantage of in guiding/encouraging other agencies to implement the CAP, and it is the District's intent to aggressively pursue such opportunities.
RESPONSE C1-19	Comment noted.

- RESPONSE C1-20                      It is certainly the District's desire that adequate funding be made available for the implementation of the measures over short- and long-term time-frames and for unexpected impacts. Funding would depend in part upon the cooperation of the Legislature, local governments, and the public. The District will ensure that adequate resources are provided for implementation of mitigation measures under its jurisdiction.
- RESPONSE C1-21                      All discussion of impacts in the DEIR presume aggressive implementation of the CAP control measures. The CAP proposes that both TCMs 16 and 17 be implemented in Phase 1. The Public Education campaign has already begun.
- RESPONSE C1-22                      One of the major objectives of TCMs 16, 18, 19, and to a lesser extent TCM 17, is to make air quality concerns much more prominent in local land use decisions.
- RESPONSE C1-23                      The District will hold a public hearing on the Final CAP and the Final EIR on October 30, 1991.





45500 Fremont Boulevard

Fremont, CA U.S.A. 94538

(415) 498-5500

August 19, 1991

Henry Hilken, Planner  
Bay Area Air Quality  
Management District  
939 Ellis Street  
San Francisco, CA 94109

Re: Draft Environmental Impact Report (DEIR) and Socioeconomic Report  
for the Bay Area 1991 Clean Air Plan (CAP)

Dear Mr. Hilken:

New United Motor Manufacturing, Inc. (NUMMI) submits this letter of comment on the Draft EIR for the Bay Area 1991 CAP. Our comments address the time frame and emissions which are specifically listed for NUMMI in this Draft EIR. In regard to emission reductions, if actual emissions are used as the baseline (see our attached comment letter of July 31, 1991), NUMMI generally agrees that the values of .60 to .90 tons per day listed in Table 4 of the "Socioeconomic Report for the Bay Area 1991 Clean Air Plan" for Auto Assembly Coating Operations are achievable in the year 2000, or thereafter. If permitted emissions are used, we believe the reduction would be 1.1 tons per day or 402 tons per year from permitted levels. We support the date of implementation listed in this table as the year 2000, or thereafter. As stated in our comment letter dated July 31, 1991, the Clean Air Plan as well as the Draft EIR should be revised to be consistent with the information contained in the Socioeconomic Report.

In regard to emissions, Volume 2 of the Draft EIR lists NUMMI's emissions for both the Passenger and Truck Lines, as "emissions subject to control" (apparently adjusted by use of a growth factor). We appreciate the inclusion of these emissions in the Draft EIR, however, only some of these emissions will be subject to control and, as proposed in the Draft 1991 CAP, only after the year 2000. For this reason we

C2-1

C2-2

Henry Hilken  
August 19, 1991  
Page 2

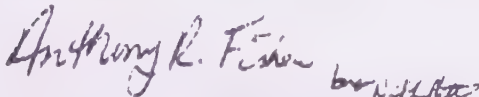
C2-3

recommend this entry be revised to show the amount subject to control in the year 2000, or thereafter.

And finally, we consider the "ROG-FIRST" Alternative for Auto Assembly Coating Operations as not being cost effective in the time frame listed in relation to the other measures that can be done at a lower cost per ton of emissions reduced. As a result auto assembly coating operation reductions should only be required after the more cost effective measures are performed.

If you have any questions concerning our comments please call me at (415) 498-5790.

Sincerely,



Anthony R. Fisher, Ph.D.  
Senior Advisor  
Corporate Environmental Programs

ARF/ph

**Response to Comment  
Letter C2**

**RESPONSE C2-1**

The District expects emission reductions from Control Measure A9, Auto Assembly Coating Operations, to be approximately 0.8-1.2 tons per day. This is slightly less than is indicated in the DEIR due to revisions to the emission inventory. This revision is reflected in the Final CAP (see also Socioeconomic Report, Comments and Responses, Chapter 3). The District notes NUMMI's support for an implementation date of the year 2000 or thereafter.

**RESPONSE C2-2**

The commenter is correct that Control Measure A9 will primarily affect NUMMI's Passenger Line. The District has revised the emission inventory and estimates that emissions subject to control for Control Measure A9 are as follows: 1994 - 3.22 tons per day (tpd); 1997 - 3.46 tpd; 2000 - 3.61 tpd. The District has not calculated emissions subject to control after the year 2000.

The second line on page D-3 of Volume 2 of the Draft EIR is revised as follows:

	1992	1993	1994	1995	1996	1997	1998	1999	2000
A9	0	0	3.22	3.30	3.38	3.46	3.51	3.56	3.61

**RESPONSE C2-3**

Comment noted.







LETTER C3

## BUILDING INDUSTRY ASSOCIATION

2641 W. CROW CANYON ROAD • SUITE 1 • SAN RAMON, CA 94583  
(415) 820-7626

August 19, 1991

FAXED (Hard Copy Mailed)

Mr. Henry Hilken, Planner  
Bay Area Air Quality Management District  
939 Ellis Street  
San Francisco, CA 94109

RE: Comments on the Draft EIR for the 1991 CAP

Dear Mr. Hilken:

I am writing on behalf of the Building Industry Association of Northern California (BIANC), a non-profit trade association representing approximately 75% of the residential homebuilders and related trades in the 12 Bay Area and Monterey counties.

We appreciate the opportunity to submit comments on the District's Draft EIR for the 1991 Clean Air Plan (CAP).

1. Pg. 2-8: The DEIR states that there would be "short-term adverse impacts from the implementation of the CAP. These short term impacts include the commitment of financial, material, and human resources, in addition to environmental resources." How is this quantified? Since we will probably not meet the State requirements for many years, if ever, and given the regulatory nature of the CAP (as opposed to the market-based alternative) the commitment of the above mentioned impacts will continue to have adverse impacts for years and years to come.

C3-1

2. Pg. 2-9: The DEIR declares that the environmentally superior alternative is the "Accelerated Market-Based TCM." Why then is this approach not being immediately pursued?

C3-2

The DEIR states that this alternative would be "very unlikely to be possible to implement." How did you arrive at this conclusion? We would disagree. Not only are the market-based TCMs environmentally superior but they place everyone on a level playing field and create a more equitable approach to reducing single-occupant vehicle. Because of this, a unique coalition of business, labor and environmental organizations support the market-based TCMs. Given this kind of support, it is disheartening to us that the BAAQMD and the legislature are not taking full advantage of this opportunity to take both a progressive and aggressive leadership role in solving the Bay Area's air quality problems.

### C3-1

REGIONAL OFFICES

EASTERN  
(415) 932-8884  
Walnut Creek

WEST BAY  
(415) 364-9008  
Redwood City

SOUTHERN  
(408) 437-1390  
San Jose

NORTHERN  
(707) 584-9133  
Rohnert Park

**C3-3** 3. Pg. 4.3-13 - 4.3-6: We disagree with the idea of encouraging city and county governments to amend their general plans to contain air quality elements (TCM 19) and do not believe this is an effective mitigation measure.

We have strong reservations regarding the functional and legal adaptability of general plans to the dynamic nature of air quality plan implementation. Currently three statutes--the California Air Act, the federal Clean Air Act and the state Congestion Management Plan requirements -- contain distinctly different requirements and performance standards for air quality planning and implementation. In that air quality implementation will require coordination among three different sets of statutory requirements with three different planning timeframes, local governments could find that different or even contradictory requirements established at the state or federal level would necessitate immediate modification of a local government Air Quality Element. General Plan elements, with their limitations on the number of amendments per year and CEQA requirements, are simply not sufficiently flexible to respond to the dynamic and programmatic nature of air quality plan implementation.

We question why the DEIR did not address other ways, such as ordinances or regulations, which local government could be involved in air quality plan implementation. As contrasted with general plan elements, the use of ordinances as the primary mechanism for local government implementation actions allows flexibility to adapt to changing state and federal requirements and to lessons of experience as specific measures are implemented. Changes can be made in implementation programs without raising questions of general plan consistency with other elements of the general plan, as is the case with general plan amendments.

**C3-4** 4. Pg 4.3-13 - 4.3-6: The DEIR states that "IS measures would require development to meet air quality standards and mitigate for traffic generations." What will be the standards, how will they be measured and how will they be applied and implemented (i.e. areawide, project by project, or house by house, or shopping center by shopping center)? What constitutes mitigation?

**C3-5** 5. Pg 4.3-14 - 4.3-7: The DEIR states that the implementation of TCM 19 (Air Quality Elements) would have a beneficial impact on air quality. On page 4.1-24 of the DEIR no emission reduction from TCM 19 can be ascertained. Therefore, how can the above statement be justified?

**C3-6** 6. Pg. 4.3-14 - 4.3-8: We concur in the proposal to encourage zoning sites for higher density development near transit stations. In addition to the fact that the District lacks the authority to enforce TCM 18, the existing political and economic factors might make this measure remain only "a good idea." Further, simply because people choose to live along transit corridors does not necessarily make them choose to stop driving their automobiles. This TCM lacks the sufficient "hammer" (i.e. market-based TCM's).



Mr. Henery Hilken  
August 19, 1991  
Page Three

7. Pg. 4.4-13 - 4.4-7: We have several concerns regarding your analysis and description of Indirect Source Review (ISR) particularly as it relates to the production of vitally needed housing in the Bay Area.

C3-7

Despite extensive analyses in the DEIR of projected shortfalls in regional housing and the air quality consequences of long-term job commutes from the Valley to Bay Area employment centers, the proposes ISR classifies residential developments as "indirect sources" in the same league as airports and shopping centers. ISR can only lead to further delays and costs for residential projects. The ISR measure also alludes to "emission offsets" as a potential specific measure without indication what is meant by emission offsets, thereby creating the specter of applying stationary source concepts to mobile source emissions issues and potentially new impediments to housing production as residential developers hunt for emissions offsets. We believe that residential projects are qualitatively different from the other types of projects listed under TCM 16. Residential projects are not themselves major activity centers and do not have the wherewithal to create effective mobile source emissions reduction programs.

The DEIR states that ISR covers both commercial and residential projects, however, it fails to sufficiently address the impacts to housing, particularly that built in areas not around transit stations as suggested in TCM 18. This section needs to address the impacts (costs, fees, affordability, location, design, density, processing time, processing fees, etc.) associated with ISR on residential projects.

Finally, the ISR section seems to ignore the impacts on existing development. Why was this not addresses?

C3-8

When reviewing our concerns, we have attached for your use a detailed legal and policy analysis which review the legal, practical and policy difficulties associated with attempting to differentiate new residential development from existing residential development.

C3-P

BIANC appreciates the opportunity to provide you with our comments. We look forward to your response.

Sincerely,



Kassandra R. Fletcher  
Environmental Affairs Director

attachment

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Statutory and Case Law Framework for Reviewing the Validity  
and Appropriateness of Air Quality Measures Proposed to be  
Applied to New Development Projects

## I. ISSUE

The primary issue examined in this paper is whether and, if so, by what procedure and to what extent, impact mitigation measures and, in particular, mitigation fees, could be imposed on new development projects (without exacting fees from existing development) in order to fund programs or capital expenditures whose purpose is to lessen or alleviate air pollution from mobile sources.<sup>1</sup> This paper will also consider whether -- assuming that transit fees could be imposed on new development while not being charged to existing projects -- such fees can be successfully levied against residential projects. Finally, this paper will examine the use of Transportation Control Measures as a regulatory alternative to the imposition of air quality impact mitigation requirements on development.

## II. INTRODUCTION

There are both statutory and case law limitations on the ability of a public agency to exact fees from developers of projects proposed within the agency's jurisdiction. California statutes impose procedural and substantive requirements. In addition, two lines of case

<sup>1</sup> It is assumed that mitigation fees would fund such items as purchase of buses or clean fuel vehicles, construction and operation of light rail systems, and administration of ride-sharing programs.



authority apply to this issue: (1) cases construing the "nexus" requirement announced by the U.S. Supreme Court in Nollan v. California Coastal Commission, 483 U.S. 825 (1987), and (2) cases differentiating between permissible development fees and special taxes prohibited by California's Proposition 13. The only case directly dealing with transit fees and the criteria necessary to impose them, Russ Building Partnership v. City and County of San Francisco, 199 Cal. App. 3d 1496 (1987), is in the latter category of cases. The relevant laws and cases are discussed in detail below. After the criteria for valid mitigation fees are extracted from the laws and cases, this paper will examine whether such fees could lawfully be imposed upon developers of new projects.

### III. LEGAL FRAMEWORK

#### A. California Statutes

Any action adopting a development fee is subject to notice and public hearing requirements, and is not effective for at least 60 days following final approval. Government Code section 66017. A developer of a residential housing project may protest the imposition of any fees or other exactions by tendering payment of the fees and serving notice on the agency; the residential developer may thereafter challenge the fees or other conditions by filing a court action. Government Code section 66020. When development fees are paid to a government agency, the agency must deposit the funds in a separate account to avoid commingling the fees with other revenues. Government Code section 66006. Within 60 days of the close of each fiscal year, the public entity must publish a statement of all activity in the separate account for the prior fiscal year. Government Code section 66006.

When a public agency enacts a development fee, it must establish each of the following:

1. the purpose of the fee and the use to which the fee is to be put;
2. how there is a reasonable relationship between the use of the fee and the type of development project on which the fee is imposed;
3. how there is a reasonable relationship between the need for the public improvement to be funded and the

type of development project on which the fee is imposed; and

4. how there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the facility attributable to the development on which the fee is imposed.

Government Code section 66001. In addition, the fee may not "exceed the estimated reasonable cost of providing the service or facility for which the fee or exaction is imposed." Government Code section 66005.<sup>2</sup>

Government Code section 65913.8 imposes a further restriction, specifying that any development fees charged for a public capital facility improvement may not include an amount for the maintenance or operation of the improvement.

#### B. Development Fee Cases

In 1987, the U.S. Supreme Court announced that, in order for a condition of approval (such as a transit-related fee) to be constitutionally permissible, there must be a "nexus" between the condition of approval and the burden posed or need generated by the proposed development. Nollan v. California Coastal Commission, supra.

In the wake of Nollan, California courts have required at least a substantial connection between the public burden created by construction and the necessity for the public service or improvement. See, e.g., Surfside Colony, Ltd. v. California Coastal Commission, 226 Cal. App. 3d 1260 (1991); Gilbert v. State of California, 218 Cal. App. 3d 234, 254 (1990) ("Now the government's regulation must substantially advance the precise state interest which motivated the regulation.").

The court in Surfside Colony, Ltd. struck down a Coastal Commission condition requiring a homeowners' association to grant public beach access in exchange for permission to build a revetment (sea wall), even though the

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<sup>2</sup> Government Code section 66023 authorizes any person to request an audit to determine whether a fee exceeds the reasonable amount necessary to cover the cost of any service or facility provided by a public agency.



record showed that revetments typically exacerbate beach erosion, thus diminishing the public beach area. The court reasoned that, since revetments have different effects at different beaches, site specific evidence concerning the particular beach at issue was needed to establish the substantial connection required.

In Rohn v. City of Visalia, 214 Cal. App. 3d 1463 (1989), the local agency sought to require dedication of property to realign a crooked street in return for permitting the property owner to convert residential space into offices. The condition was declared invalid due to lack of a sufficient connection between the dedication requirement and the burden of or benefit to the project. The court noted that "[w]hile the conditions imposed need not solely benefit the subdivision, they must serve the subdivision directly or indirectly." Id. at 1471. A remote or speculative benefit is inadequate. Id. at 1470. Additionally, the court held that the condition could not be imposed to address a pre-existing condition, finding that the street realignment "was made necessary by an instance of poor planning" (Id. at 1475), and not by the proposed project. Hence, government agencies cannot use development conditions to correct previously existing problems.

### C. Special Tax Versus Development Fee Cases

As a result of Proposition 13, the California Constitution (Article XIII, Section 4) requires local agencies to obtain a two-thirds vote from the electorate in order to impose a "special tax." Hence, if a so-called development fee is more properly characterized as a special tax, it will be invalidated due to the absence of electorate approval.

Government Code section 50076 excludes from the definition of a special tax "any fee which does not exceed the reasonable cost of providing the service or regulatory activity for which the fee is charged and which is not levied for general revenue purposes." See also, Beaumont Investors v. Beaumont-Cherry Valley Water District, 165 Cal. App. 3d 227 (1985) (where there was no solid evidence that "facilities fee" did not exceed reasonable cost of constructing water system improvements, fee was a "special tax").

A public agency seeking to avoid the general rule requiring a two-thirds vote for special taxes by qualifying for the exception provided by Government Code section 50076

has the burden of establishing that the fee at issue fits the limited statutory exception. Id. at 235; Bixel Associates v. City of Los Angeles, 216 Cal. App. 3d 1208, 1216 (1989).

"The distinction between a tax and other exactments is admittedly blurred--taking on a different meaning in different contexts." Russ Building Partnership, 199 Cal. App. 3d at 1504; accord, Terminal Plaza Corp. v. City and County of San Francisco, 177 Cal. App. 3d 892, 905 (1986). However, development fees do possess several distinguishing characteristics. While most taxes are compulsory, development fees are triggered by the voluntary decision of a developer to improve property. California Building Industry Association v. Governing Board, 206 Cal. App. 3d 212, 236 (1988); Russ Building Partnership, 199 Cal. App. 3d at 1504. The revenue generated by development fees may not be devoted to general governmental purposes, but may only be used to meet the needs generated by the new development. Bixel Associates, 216 Cal. App. 3d at 1218-19 (fire hydrant fee declared a "special tax" since the record failed to show that average annual cost figure reflected exclusively the cost attributable to new development).

In order to demonstrate that a development fee does not exceed the reasonable cost of constructing improvements or providing services (and to thus avoid characterization of the fee as an impermissible special tax), the exacting agency must show two things. First, the agency must produce evidence of the estimated construction or service costs. Beaumont Investors, 165 Cal. App. 3d at 234-35. Second, the agency has to show its basis for determining the amount of the fee allocated to the developer, such that the charge bears a fair and reasonable relation to the developer's burden on, and benefits from, the system to which the fee is devoted. Id.; Bixel Associates, 216 Cal. App. 3d at 1218.

The Court of Appeal in Russ Building Partnership, *supra*, 199 Cal. App. 3d 1496, carefully scrutinized the San Francisco Transit Impact Development Fee Ordinance to determine whether it was based upon supportable, justifiable assumptions. The ordinance at issue imposed on developers of office space in downtown San Francisco a fee of \$5.00 per square foot of new space.<sup>3</sup> The fee was

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<sup>3</sup> The City's consultants had estimated that the increased transit costs attributable to new riders would be  
(continued...)



designed to provide revenue for the city's Municipal Railway (Muni) system to offset the anticipated increased costs to accommodate new transit riders during peak commute hours generated by the addition of new office space to the downtown area.

In an exhaustive analysis, the court found that the fee was not an impermissible special tax since the "transit fees required by the Ordinance were limited to the estimated costs involved to serve the increased ridership." Id. at 1505.<sup>4</sup> The court noted that the city had employed consultants to project long-term needs and costs of increased transit services, had considered numerous studies and had conducted public hearings concerning incremental costs and needs generated by the new office development.<sup>5</sup>

The Russ Building Partnership court examined in detail the city's conclusions on at least five factors in the costs/needs equation. The court found that the evidence:

1. supported the city's use of a 45-year time frame for projecting increased transit costs based on the estimated life of downtown office buildings (Id. at 1511-12);

2. supported application of a projected long-term discount rate of 1.74 percent in arriving at the net present value of the one time fee levied against developers (i.e., capitalized annual costs over the 45-year time frame

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<sup>3</sup>(...continued)  
as high as \$6.57 to \$8.36 per square foot of new office development.

<sup>4</sup> The Ordinance did not violate principles of equal protection by failing to impose a fee on developers of retail space within the downtown because the city reasonably determined that office space, not retail stores, would be primarily responsible for increased demand for improved transit services. Id. at 1508.

<sup>5</sup> Consistent with the analysis in Russ Building Partnership, Government Code section 66484.3 permits Orange County to levy development fees to fund construction of bridges and major thoroughfares as long as the fees are fairly apportioned and are used for improvements necessitated by new development.

to assure that the total fee reflected projected demands on the transit system) (Id. at 1512);

3. supported the city's determination that it could not reasonably anticipate receiving government funds to expand the transit system over the upcoming 45 years (Id. at 1513-14); and

4. disapproved an unjustified "transfer rate" (aimed at ensuring no increase in the level of crowding on transit facilities) since the "crosstown" and "feeder" routes were not operating at or above capacity (Id. at 1515).<sup>6</sup>

In that the court both upheld and struck down specific components of the fee program, the case exemplifies courts' willingness to inquire into the reasoning behind the assumptions and cost figures relied upon by agencies imposing development fees.

#### IV. IMPACT MITIGATION FEE CRITERIA DISTILLED

In accordance with the legal framework above, the substantive criteria that would have to be satisfied in order for valid transit mitigation fees to be imposed upon new development are as follows:

A. The purpose and use of the fee must be plainly identified.

B. Evidence must demonstrate a reasonable relationship between the development on which the fee is imposed and the mitigation measures for which the fee will be spent. The improvements or programs funded by the fee must serve the development directly or indirectly.

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<sup>6</sup> "While it may be ideal transit policy to preserve the present load factors [a measure of the degree of crowding] in the connecting routes, it is unfair to require Russ Building plaintiff to bear this burden alone. While the population generated by plaintiffs' buildings will likely increase the ridership on the 'feeder' and 'crosstown' routes, there is no evidence of increased cost to Muni to operate these lines. This is the only relevant consideration, since the fee imposed by the city must not be more than needed to provide the improvements and services required by the development." Id. at 1516 (emphasis added).

C. Evidence must show a substantial connection between the public burden (e.g., on the transit system and/or air quality) arising out of the development and the need for transit improvements or programs to be funded by the fee. Site specific evidence of the nexus may be required.

D. Evidence must clearly document projections of long-term public service needs and improvement costs for specific public improvements that serve those needs. Rationally-based assumptions and cost figures must be used to estimate the cost of constructing improvements or implementing programs providing services to address project impacts.

E. The mitigation fee may not exceed the estimated reasonable cost of providing the service or facility for which the fee is charged; no amount may be exacted for maintenance or operation of capital facility improvements constructed with fee proceeds.

F. Evidence must demonstrate the basis for determining the amount of the fee allocated to each developer, such that the amount is fairly and reasonably related to the development's burden on, and benefit from, the items for which the fee is used.

G. The fee cannot be levied for general revenue purposes, but may only be used to fund items necessitated by the new development.

H. The fee may not be placed in the general fund; a separate account must be established.

I. Payment of the fees by property owners cannot be compulsory, but can only be triggered by the voluntary decision to develop the land.

#### V. APPLICATION OF CRITERIA TO NEW VERSUS EXISTING DEVELOPMENT

Efforts to impose emissions-reducing impact mitigation fees on new development without levying fees across the board on all development (new and existing) would likely fail due to an inability to satisfy the above criteria. In the air quality regulation context, it would be impossible to establish the existence of several critical elements in the "nexus" equation, including the causal link between new development and the problem or need to be solved, the connection showing that an impact fee



would alleviate the burden posed by new projects, and the fair and reasonable allocation of costs among developers.

The nature of the air quality problem is regionwide; air quality impacts are not generally localized. Instead, mobile source emissions affect air quality within the entire air shed of origin. For this reason, the clean air issue has been clearly framed by state and federal law as one of failure to attain prescribed air quality standards within a topographic air basin. Non-attainment areas are regions that currently suffer from pollutant levels in excess of air quality standards. Regional air districts have been directed to take measures necessary to reach attainment within air basins designated as non-attainment areas.

With or without new development, non-attainment areas face the problem of reducing emissions to comply with the standards set by clean air laws. Since a region's non-attainment status preexists new development, there is no way to show a substantial connection between new projects and the need for mitigation fees aimed at reaching attainment. Evidence will not establish that new development affects the non-attainment status of an area any more, or in any way differently, than existing development. Since the need for such impact mitigation fees (aimed at solving an existing problem) cannot be attributed solely to new projects, such fees would likely be stricken as invalid for forcing new projects to shoulder a disproportionate share of the burden of alleviating air quality impacts.

Certainly, local agencies frequently charge development fees to defray the costs of added services, such as improving transportation infrastructure in response to traffic burdens posed by new projects. These types of fees are valid because the need for street improvements can be directly traced to traffic generated by the new development; hence, the nexus criteria are fulfilled. The same cannot be said of fees designed to fund emissions reduction programs since the public burden demanding the fees cannot be attributed to new development alone.

In a typical situation, existing development has satisfied its collective needs for roads, traffic lights, public schools and city services. Because additional development will require increased road capacity, school buildings or the like, developers of new projects are assessed a fee to offset the cost of providing those expanded services or improvements. This type of linear



nexus does not exist in the air quality context. Where existing development has already begotten a non-attainment area and has not collectively taken sufficient measures to abate that deleterious status, new development cannot legally be required to make up for deficient air quality. (cf. Rohn v. City of Visalia, supra.)

Another difference between air quality mitigation fees and typical, permissible development fees is also fatal to establishing the requisite nexus. This is the inability to define the geographic impact (and, thus, resulting needs) of new projects on the air quality/transportation network. As a comparison, the need for traffic improvements (e.g., increased road capacity, new intersections and traffic lights) is usually based on a study of the number of trips generated by a proposed development that would travel on particular segments of road. It is possible to define a project's trip generation on given streets and through certain intersections. Hence, the physical, geographic impact of new projects on roads is ascertainable. As a result, conditions can be imposed on new projects to directly correspond to and alleviate the physical detriment caused by the new development on local streets. This is precisely what occurred in the Russ Building Partnership case -- the City of San Francisco had detailed evidence to show the percentage of new office occupants that would ride the Muni system. Muni, a defined transportation network impacted by developments in a certain geographic area, was upgraded to meet the demonstrated increase in demand for services.

Conversely, other than localized carbon monoxide "hot spots," a project's mobile source emissions impacts are far too diffuse to assign to geographic locations or particular public needs. It has historically been difficult, if not impossible, to project the course of travel generated by a development beyond the roadway system in the general vicinity of that development. This means that the connection between a given project and its air quality burden on a broad regionwide scale cannot be successfully modeled. This lack of a demonstrable connection between new projects and their air quality burdens would be sufficient alone to invalidate mitigation fees whose proceeds would be distributed among a variety of emissions reducing programs. Imposition of fees on new projects within an air basin would be akin to charging a San Francisco office developer a fee for installing a traffic light in Oakland. It would be infeasible to substantiate the connection between the two since the

travel patterns 15 miles from the development cannot be definitively known.

Such a fee would also fail to satisfy the requirements that there be a relationship between the development and the mitigation measures on which the fee will be spent (Nollan) and that the regulatory agency demonstrate that it fairly and reasonably allocated the burden of the fee among developers. No matter how a transit fee were spent (e.g., clean fuel fleets, ride-sharing programs), vehicle trip reduction at the project source resulting from the actual use of the fee could not be demonstrated. As an example, if a developer were to contribute to a clean fuels program, there would be no way to quantify the reduction (if any) in that project's mobile source emissions. Given the nature of air quality impacts and this inability to directly correlate project impacts with emissions reduction programs to be funded by impact fees, imposition of air quality mitigation fees on new development would likely fail to pass legal muster. In contrast, measures such as parking fees intended to deter vehicle use are direct user fees and are therefore permissible. (See discussion in Section VII.)

Restrictions on land use authority contained in both the federal and state clean air acts also compel the conclusion that impact fees cannot be imposed on new development. For instance, the Federal Clean Air Act Amendments of 1990 state, "Nothing in this chapter constitutes an infringement on the existing authority of counties and cities to plan or control land use, and nothing in this chapter provides or transfers authority over such land use." 42 U.S.C. section 7431.<sup>7</sup> Since air quality control districts must plan to reach attainment without interfering with local land use decisions, air quality planning is necessarily to be based on population projections contained in local general plans and in other regionwide forecasts. Targeted emissions reductions must be founded upon emissions estimates for population expected in the future.

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<sup>7</sup> The California equivalent, Health and Safety Code section 40716(b), which relates to indirect source rules, says "Nothing in this section constitutes an infringement on the existing authority of counties and cities to plan or control land use, and nothing in this section provides or transfers new authority over such land use to a district."



The fact that the air quality regulatory scheme addresses the emissions issue in terms of total, future population levels is important to this analysis. There is no differentiation between new and existing sources of vehicles; attainment must be achieved taking all projects into account within the attainment timeframes specified in the state and federal air quality laws. Therefore, new projects that fall within the population forecasts upon which attainment plans are based create no additional burden in the context of the attainment timetable. Since it is not the new development alone that demands emissions reduction measures, mitigation fees cannot be exacted from developers of new projects.<sup>8</sup>

The prohibition against infringing on local land use authority obviously precludes air districts from denying or stopping new development projects because of their potential air quality impacts. Since the environmental regulatory system demands that attainment be reached for the population forecasted, air districts cannot try and achieve attainment by thwarting development they otherwise have no power to control. In line with the reasoning of Nollan, since air districts have no authority to deny development projects on the basis of air quality impacts, such agencies likewise lack authority to condition development on that basis. For this reason, as well as the numerous reasons discussed above, impact fees levied against new development for the purpose of reducing vehicle emissions would not satisfy the stringent criteria for valid development fees.

## VI. APPLICATION OF CRITERIA TO RESIDENTIAL DEVELOPMENT

Assuming that air quality mitigation fees could be legally justified if applied uniformly to both new and existing commercial development, it would be difficult, if not impossible, to successfully and defensibly satisfy the relevant criteria and exact such fees from developers of residential projects.<sup>9</sup>

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<sup>8</sup> Note that the air quality plan for the South Coast Air Quality Management District is framed so as to target the emissions reduction required to reach attainment in the future based on population projections.

<sup>9</sup> This analysis assumes, for purposes of discussion only, that transit fees can be imposed on new development, while existing projects remain unhampered by such fees.

(continued...)

Residential developments are not activity centers, and have not been classified as indirect sources of emissions under the Federal Clean Air Act Amendments of 1990. For these reasons, it would be hard to establish that a residential project generates a sufficiently direct burden on air quality so as to necessitate mitigation fees whose purpose is to alleviate mobile source emissions.

There are commonly used, accepted methods of modeling the transportation patterns of employees who converge on urban activity centers. Transportation analyses can reasonably estimate the number of travelers, the time of day they are in transit, their modal split and their direction of origin and destination. Therefore, there is some potential that a substantial connection between commercial development and impacts to the transit system and to mobile source emissions can be established.

The same cannot be said of residential development. It would be extremely difficult to try and model the air quality and transit system burden posed by a proposed residential project within the attainment timeframe of an air quality management plan. For example, if a subdivision of 50 homes is contemplated, it may be impossible to predict whether all residents would work within the immediate community, all would commute to the city center 30 miles away, or the residents would be divided in terms of distance and direction to work. Perhaps even more significant for air quality plan purposes, total trips and trip distribution over time changes dramatically with changes in work force composition and in employment locations (e.g., the creation of major employment concentrations along the 680 corridor in Contra Costa County drawing on a previously untapped labor force). Thus, the burdens created by a residential development cannot be predictably modeled, so that the connection between a residential project and the need for specific air quality mitigation measures would be tenuous at best. Such a lack of an established link between construction of housing and the need for programs to be funded by an impact mitigation fee also undercuts the exacting agency's ability to demonstrate that it fairly allocated the financial burden of the fee among developers.

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<sup>9</sup>(...continued)

However, as explored above, it is improbable that courts would uphold exaction of transit fees from new development.



Absent a specific corridor level transportation project intended to serve additional needs generated by new development, it would not be practicable to avoid the difficulties inherent in establishing a site specific nexus by simply melding all residential projects together and modeling the impacts and needs thereof on a regional basis. Housing developments scattered throughout a region will have vastly varying emission impacts and transit needs. Hence, a regional government agency (such as an air quality management district) would face formidable obstacles trying to satisfy all mitigation fee criteria for new housing on an area-wide basis.

In addition, measures financed by an air quality mitigation fee would be less effective if imposed on residential uses than if concentrated on employment centers. For instance, a ride-sharing program focused on a large, urban office building will prove more successful than a ride-sharing program aimed only at the workers within one residential subdivision comprised of 50 homes. The same is true of managing the available parking supply or purchasing buses. The arduous and uncertain nature of demonstrating that measures funded by a residential impact fee will actually be effective undermines an agency's ability to show that its fee is rationally based, not excessive, and fairly allocated.

Finally, the imposition of fees on both commercial and residential developers could result in impermissible double taxation. Without an extremely clear delineation between the indirect source emissions impacts of housing projects and office space -- which would appear infeasible given that each type of development is at one end of every worker commute trip -- fees could be charged to each type of development to offset identical burdens on air quality and the transit system (i.e, levying a fee for the same trip twice). If that occurred, the fees could be struck down on several grounds, including inadequate connection between the development and its burdens, excessive fees, and unreasonable allocation of fees among developers.

To conclude, mitigation fees levied on residential development for the purpose of decreasing vehicle emissions could not easily, if at all, pass muster given the exacting legal criteria that such fees must satisfy.

VII. REGIONAL TRANSPORTATION CONTROL MEASURES  
AN EQUITABLE AND LEGALLY DEFENSIBLE PROGRAM FOR  
ADDRESSING CUMULATIVE MOBILE SOURCE EMISSIONS

The objective of air quality regulation is to reduce pollutant emissions in order to secure a healthful environment for both present and future populations. Both state and federal Clean Air Acts make it clear that attainment plans must address projected future population and that neither statute impliedly authorizes measures that effectively regulate land use to control population growth. Accordingly, rather than differentiating between new residents and existing residents of a region, the state and federal Clean Air Acts identify transportation control measures as the types of programs that can achieve attainment for future populations and that are to be implemented uniformly throughout an individual air basin.

Essentially, transportation control measures act directly to affect the use of individual vehicles. The vastly disproportionate increase in vehicle miles travelled ("VMT") relative to population increases in recent years makes it clear that the cumulative use of vehicles by individuals, rather than the fact of development itself, is what must be addressed in order to reduce mobile source emissions. For instance, between 1984 and 1989, total VMT in the San Francisco Bay Area counties served by Bay Area Rapid Transit increased by 24% while population increased by only 8%. During the same time period, there was no expansion of the state highway system in the region. These figures parallel the experience of VMT growth relative to population growth at a national level, as recently reported by one of the drafters of the 1990 federal Clean Air Act Amendments: "Since 1960 vehicle and VMT growth have outstripped population growth by four to five times" (Gary Hawthorne, "Transportation Provisions of the Clean Air Act Amendments of 1990," February 1991). Significant increases in the number and proportion of two wage-earner families, increasing affluence and the suburbanization of employment centers have all been cited as factors influencing the dramatic increases in VMT relative to population increase. Based on these patterns of regional VMT increases over time, one can readily conclude that development-related population increases are not fundamental causal factors in increased trip generation; instead, it is the individual use of vehicles that lies at the source of increased trip generation, increased VMT and concomitant increases in congestion-related emissions.



With respect to mobile source emissions, everyone -- whether an existing resident of an area or a new resident -- contributes to the cumulative impacts that cause non-attainment of air quality standards. In terms of causal relationships, ozone impacts created as a result of mobile source emissions from vehicle tailpipes do not differentiate between new and existing residents. As a consequence, the state and federal air quality laws appropriately focus heavily on transportation control measures (along with tailpipe technology) as the primary means of achieving required mobile source emissions reductions.

Rather than relying on project-related mitigation measures that are inherently incremental, the fairest and most effective method of reducing mobile source emissions is to implement regionwide transportation control measures that focus on vehicle use by the individual. Instead of ill-defined impact fees that are unrelated to broader regional measures, transportation control measures can be implemented to provide for broad-scale measures directed toward influencing vehicle use. For instance, both new and existing development can participate in transportation management authorities, comprised of major employers in specific geographic areas, with the ability to design trip reduction programs tailored to the needs and circumstances of their area. Likewise, regionwide congestion pricing measures (such as the market incentives program proposed by the Bay Area Economic Forum and the measures included in the Phase 3 component of the Metropolitan Transportation Commission 1990 Transportation Control Measure plan) can employ what are, in effect, user fees both to influence transportation behavior and to reflect direct impacts caused by individual transportation decisions. Such congestion pricing mechanisms are perhaps the only true way to establish a "nexus" between burdens on public welfare and mitigation measures for mobile source reduction purposes -- one who chooses to drive (in a context where viable transit options exist) pays an "impact fee" to offset that impact in the sense that such a fee is used to contribute to transportation programs designed to offset the impact.

The following are several basic principles that should guide the use of transportation control measures:

A. Transportation control measures should be established on a regional basis both to assure that the measures are effective in addressing regional VMT and to provide for equitable treatment of individuals and

businesses (i.e., by sharing the burden of carrying out TCMs evenly throughout the region). Such uniformity of treatment on a regional basis is required by California Health & Safety Code Section 41503(b), which states that the California Air Resources Board shall ". . . require control measures for the same emission sources to be uniform throughout the air basin to the maximum extent feasible. . . ."

B. Transportation control measures intended to be carried out by local government agencies rather than implemented directly through air district rule-making should provide a framework for uniform regional application, while still allowing for adjustments to local circumstances. Such an approach could be carried out in the following way:

In consultation with local governments and interested parties, an air district would prepare a model ordinance providing an implementation program for carrying out a particular transportation control measure.

Local governments which adopt the model ordinance would automatically qualify for delegation of authority to implement the transportation control measure under Health & Safety Code Section 40717.

Local governments that do not adopt the model ordinance but wish to adopt an equivalent measure would submit their alternative measure to the air district for review to determine whether the alternative measure qualifies for delegation under the criteria set forth in Health & Safety Code Section 40717.

For those jurisdictions which do not qualify for delegation of authority to implement transportation control measures, the relevant air district would adopt a "backstop" rule applicable to such areas and consistent with the provisions of the model ordinance.

C. Any user fee program carried out to implement employer-based trip reduction measures or congestion-pricing measures such as those proposed for Phase 3 in the MTC 1990 TCM plan should comply with the "nexus" requirements for both application and use of such fees in ways consistent with the following concepts:

Fees levied for purposes of influencing travel behavior/mode choice (e.g., congestion pricing) should be no greater than a cost level required to alter



transportation modes sufficient to attain mobile source reduction levels required under the state and federal Clean Air Act laws, and should not in any way be based on the funding needs of alternative modes of transportation.

Any such fees should be evaluated periodically to determine whether the fees are at a level appropriate to achieve their specified mobile source emission reduction objectives and should be adjusted either upward or downward depending on the results of the evaluation studies. Any upward adjustment in fees should be made only after opportunities for public hearings and comment.

Any fees or other revenues received by public agencies as a result of employer-based programs or congestion pricing measures should, under the Nollan principles, be used solely for measures supportive of trip and VMT reduction (i.e., costs above and beyond reasonable program administration costs) or other programs to reduce mobile source emissions such as clean fuels or the purchase of older vehicles.

The approach outlined above would be consistent with both the statutory requirements of the state and federal Clean Air Acts and the "nexus" requirements of Nollan and the fees versus taxes criteria outlined in cases such as Russ Building Partnership.

**Response to Comment  
Letter C3**

**RESPONSE C3-1**

The short-term impacts on financial, material, human and environmental resources are quantified where possible in the DEIR. For example Chapter 4.4, Population, Employment and Housing, discusses potential jobs lost due to implementation of CAP control measures, as well as potential employment opportunities resulting from the need to construct facilities to implement the CAP. In many cases however, the broad scope of the CAP did not allow for a quantitative analysis. As stated in the CEQA Guidelines (Section 15146):

The degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR.

**RESPONSE C3-2**

The District currently does not have authority to implement market-based TCMs. Because obtaining that authority will require legislative action, the District does not consider implementation of market-based TCMs "Accelerated Market-Based TCMs" Alternative to be realistic. However, the District recognizes that many organizations support the market-based TCMs. Therefore, the Final CAP proposes a change in the phasing of the TCMs, as discussed in the Introduction to the FEIR. The Final CAP now proposes to adopt all reasonably available TCMs during Phase 1 and to immediately pursue legislative authority for the market-based measures. Because of the time required for the legislative process, we do not anticipate implementation of market-based TCMs until Phase 2. As proposed, the market-based TCMs would be structured to begin with low fees. Revenue for the market-based TCMs would be used to fund transportation improvements and to address equity impacts. The market-based TCMs would increase as transportation improvements became more available. In this way the District proposes to satisfy CCAA requirements for expeditious TCM implementation, as well as pursue the TCMs that appear to have the greatest emission reduction potential.

**RESPONSE C3-3**

The CAP proposes air quality elements in general plans because this is an effective mechanism for promoting consistency between local development policies and regional air quality policies and programs. Also, the requirement that all general plan elements be internally consistent would ensure that air quality measures are coordinated with planning for other elements of the general plan, such as land use, circulation and housing.

The DEIR and the CAP do address mechanisms, such as ordinances and regulations, which local governments may use to implement

CAP programs. For example, TCM 2, Employer-Based Trip Reduction, could be implemented through local ordinances or regulations. TCM 18, Zoning for High Densities Near Transit Stations, would be implemented through local zoning ordinances.

RESPONSE C3-4

Please refer to Response B1-7.

RESPONSE C3-5

No emissions reduction credits are taken in Table 4.1-5 for the Air Quality Elements for General Plans control measure (TCM 19) because the District cannot speculate at this time the nature of the different Air Quality Elements that might be adopted by cities and counties and their efficacy. With respect to this control measure, the District has taken a conservative approach in not associating an emissions reduction related to this measure. However, the District believes strongly that the adoption and implementation of air quality elements by cities and counties would play a very important role in supporting the implementation of other TCMs and would result in valuable emission reductions.

RESPONSE C3-6

Comment noted.

RESPONSE C3-7

The ISC rule would encourage design features and locational characteristics that reduce vehicle trips. It is possible some of these measure could increase the costs of residential development; however, it is also anticipated that the ISC program as a whole would stimulate a more balanced regional land use pattern that would increase the availability of housing sites and therefore lower residential land costs.

The implementation and details of specific TCMs identified in the CAP will be addressed by the District during the rule development and rule adoption process and processes of other agencies responsible for implementing measures in the CAP.

RESPONSE C3-8

ISC for existing sources will be similar to ISC for new sources. The primary difference will be that ISC for existing sources will focus more on trip reduction programs and limited design changes (e.g., preferential carpool parking, bus turn-outs, sidewalks) rather than the more extensive design review proposed for new sources. Also, ISC for existing sources will not focus on locational characteristics. Consequently, the environmental impacts of ISC for existing sources will be similar to the impacts of ISC for new sources. These environmental effects would likely be less pronounced for existing development than they would be for new development.

RESPONSE C3-P

See Section 1.2 regarding comments on the CAP.

The attachment provided with the comments does not address the environmental analysis and thus is beyond the scope of this EIR.



August 19, 1991

Henry Hilken, Planner  
BAY AREA AIR QUALITY MANAGEMENT DISTRICT  
939 Ellis Street  
San Francisco, California 94109

Re: Draft EIR for the 1991 Bay Area CAP

Dear Mr. Hilken:

The Sierra Club has commented extensively on the 1991 Clean Air Plan itself. For these comments, we refer to our letters of April 19, 1991 and May 3, 1991 to Mr. Felstein.

The Club also endorses and incorporates by reference the comments submitted by Citizens for a Better Environment, American Lung Association, Greenpeace, Environmental Defense Fund, Sierra Club Legal Defense Fund and the League of Women Voters.

Turning to the Draft EIR, many of the unavoidably significant impacts attributed to the CAP involve the increased use of diesel buses and automobiles to transport people to mass transit facilities. We believe this analysis overlooks or understates the effect of the mitigation measures inherent in the Plan itself.

For example, with respect to Impact 4.1-5, 4.1-10, 4.1-12 and similar impact statements, we note that infill growth near transit facilities would mitigate localized emissions of CO by reducing the distance needed to access mass transit facilities. Why was this dynamic not addressed as requested by the Sierra Club in earlier comments?

Likewise, the impacts ascribed to TCMs 16, 18 and 19 could be reduced to less than significant levels and may actually have a beneficial effect on air quality through mitigation measures not analyzed in the Draft EIR. Infill growth near new indirect sources would reduce or eliminate the necessity of using diesel (or methanol powered, for that matter) buses to transport people to new indirect sources.

C4-1

C4-2

Henry Hilken, Planner  
BAY AREA AIR QUALITY MANAGEMENT DISTRICT  
Re: Draft EIR for the 1991 Bay Area CAP  
Page 2

C4-3        The Draft EIR also fails to discuss alternatives to buses and cars. With infill growth, bicycles and simply walking would be viable means of accessing mass transit. Why are these modes of transportation given short shrift as mitigation measures in the Draft EIR?

C4-4        While the Draft EIR identifies accelerated implementation of market-based TCMs as the environmentally superior alternative, the Plan understates their value as mitigation measures. Adoption of mandatory parking fees as a Phase 1 measure would have an immediate beneficial effect on air quality and offset air quality impacts related to mass transit described in the EIR.

C4-5        The Draft EIR downplays the effect of improved inspection and maintenance of motor vehicles on air quality. Research by University of Denver scientists shows that 50 percent of air pollution comes from those 10 percent of automobiles which are poorly maintained. The owners have in many cases intentionally tampered with pollution control equipment. Identifying these offending vehicles through random checks with mobile smog-check equipment would increase the emission reductions achieved by the CAP and further offset air quality impacts related to mass transit. Such measures would also mitigate effects of TCMs 2 and 3.

C4-6        On a positive note, we agree with the mitigation measures described in response to Impact 4.3-3 at page 4.3-11. The Draft EIR in that instance correctly states the measures needed for the CAP to achieve its goals.

C4-7        Finally, the Draft EIR should recommend the early implementation of Control Measure F3 (Promotion of Energy Efficiency) as a mitigation measure. One way to improve air quality is to have cars, machinery and other sources of pollution burn less fuel, thereby causing a decrease in emissions.

\_\_\_\_\_ We look forward to your response to these comments.

Very truly yours,

R. Clayton Mansfield  
on behalf of the Sierra Club

RCM/eeb:3369M:1

August 19, 1991

Henry Hilken, Planner  
BAY AREA AIR QUALITY MANAGEMENT DISTRICT  
939 Ellis Street  
San Francisco, California 94109

Re: Addenda to 1991 Bay Area CAP

Dear Mr. Hilken:

We write to comment upon the addenda to the Draft Clean Air Plan (CAP).

Some headway was made on explaining the process used to develop the TCMs and expected emission reductions from these measures. Overall, however, the revisions fail to address serious shortcomings and in some cases signals a retreat from previous positions.

With respect to the points made in our letter of May 13, 1991, we note the following:

1. Off-Road Mobile Sources.

Section 2a of the Addendum lists measures under ARB jurisdiction at page 2. The list includes emission controls on switching locomotives, gasoline farm tractors, diesel construction equipment and off-road motorcycles. However, no references are given to the nature of the existing regulations. Further, there is no indication of whether other off-road mobile sources (e.g., boats, airplanes, etc.) are presently regulated.

2. Market Based TCMs.

TCM No. 22 includes parking charges for work and non-work sites as a contingency measure. Figure 2(c) clearly indicates that market-based measures will produce the largest reduction in emissions. As noted, no authorizing legislation is needed to implement such controls.

C4-P



Henry Hilken, Planner  
BAY AREA AIR QUALITY MANAGEMENT DISTRICT  
Re: Addenda to 1991 Bay Area CAP  
Page 2

We therefore urge that the implementing rule for TCM No. 22 include parking fees as an element of employer-based trip reduction programs and the indirect source control program in TCM No. 16.

The business community opposes mandatory fees on the grounds that commuting constitutes just 20 percent of Bay Area auto trips. This statistic is misleading because 20 percent of all vehicle trips does not correlate to 20 percent of all vehicle emissions. More pertinent data includes commuting trips as a percentage of trips during peak hours (when highways are most congested and, therefore, emissions are highest) and commuting trips as a percentage of vehicle miles traveled. While the Sierra Club agrees that all vehicle trips must be reduced, commuters must be an important target group if the Bay Area is ever to achieve the clean air standards.

### 3. Indirect Source Review.

We continue to have concerns with the District's intent to delegate implementation to cities and counties. While the District reserves the right to implement the rule if local jurisdictions do not meet Air District objectives, this misses the point. Indirect sources are local phenomena with regional effects. No local governing body can exercise the breadth of vision required to ensure that new indirect sources will not increase emissions. Only the District has the technical knowledge to make such judgments. Therefore, the process requires strong leadership by the District to have any chance of success.

Thus, for the most part, the revisions fail to cure the flaws in the CAP. In addition, the revisions raise new issues which should be addressed before the Plan is finalized.

First, in the Draft CAP, Table 2 showed a reduction in CO emissions of 40 percent from 4,154 tons/day to 2,485 tons/day. The Revised Table 2 reduces the base year CO emissions for on-road motor vehicles from 3,438 tons/day to 3,017 tons/day, creating a corresponding reduction in base year total CO emissions. Moreover, the reduction in CO emissions over the life of the Plan is reduced by 8 percent and is nearly 100 tons more per day than previously stated.

We accordingly inquire:

1. Why is the projected reduction in CO emissions for on-road motor vehicles reduced?



Henry Hilken, Planner  
BAY AREA AIR QUALITY MANAGEMENT DISTRICT  
Re: Addenda to 1991 Bay Area CAP  
Page 3

2. Why is the projected reduction in CO emissions reduced in Revised Table 2?

Second, since state law requires the District to adopt all feasible measures, why were stationary source control measures D1(a), D3(a), D3(a, D8 and E4 deleted and measures F2, G4, H2 and H4 placed on contingency status?

Very truly yours,

R. Clayton Mansfield  
on behalf of the Sierra Club

RCM/eeb:3369M:3

C4-10

C4-P

**Response to Comment  
Letter C4**

RESPONSE C4-1	Regional emission reductions resulting from the implementation of the TCMs, including TCMs 16, 18 and 19, which are intended to increase infill growth near transit facilities, are reflected in Table 4.1-5. In spite of the net reductions from these TCMs, there is still the potential for localized exceedances at transit facilities. While implementation of these TCMs would in general have a beneficial effect on air quality by reducing air pollutant emissions in the Bay Area, they may also result in a localized exposure of individuals to concentrations of CO in exceedances of the standards.
RESPONSE C4-2	See Response C4-1.
RESPONSE C4-3	TCMs 4, 9, 16, and 18 focus on non-bus and non-auto alternatives to auto and bus. These TCMs deal with rail improvements, bicycle facility improvements, indirect source review and higher density zoning near transit stations to encourage walking. Where these TCMs have been determined to be insufficient to mitigate all of the impacts of the plan, additional mitigation measures have been recommended in the DEIR. While the CAP TCMs support infill growth and encourage walking and the use of bicycles to improve air quality, mass transit patrons may still use automobiles and buses to access transit facilities, possibly resulting in localized exposure of individuals to concentrations of CO in exceedance of the standards.
RESPONSE C4-4	See Response B5-2.
RESPONSE C4-5	The District recognizes the valuable contribution of the improved inspection/maintenance (I&M) program ("Smog Check"), listed in Table 3.4 of the DEIR, and supports efforts to enhance this program. Because this program is administered by the State Bureau of Automotive Repair, it is outside the District's authority to implement its own I&M program as a mitigation measure. The CAP proposes to augment the I&M program through control measure H-1, Smoking Vehicle Program, described on page 3-35 of the DEIR.
RESPONSE C4-6	Comment noted.
RESPONSE C4-7	It is unclear which impact the commenter is referring to in this statement regarding the use of Control Measure F3 as a mitigation measure. Please note that the use of Control Measure F3 is included in the DEIR as a mitigation measure for Impact 4.7-21, 4.7-23, 4.7-24, 4.7-25, 4.7-26, 4.7-27, and 4.7-29.
RESPONSE C4-P	See Section 1.2 regarding comments on the CAP.

RESPONSE C4-8	The revisions observed in Table 2 of the Draft CAP are the result of applying revised California Air Resources Board emission factors.
RESPONSE C4-9	See Response C4-8.
RESPONSE C4-10	See Response C4-8.
RESPONSE C4-P	See Section 1.2 regarding comments on the CAP.







August 18, 1991

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Paul Cooper, Chairperson  
Bay Area Air Quality Management District  
939 Ellis Street  
San Francisco, CA 94109

## RE: DRAFT BAY AREA '91 CLEAN AIR PLAN &amp; DRAFT E.I.R.

Dear Mr. Cooper;

Urban Ecology has had an opportunity to review the above-named documents, and submits the following comments for your consideration. We are a nonprofit public interest group headquartered in Berkeley, with approximately 350 members in the Bay Area.

NOTE: Urban Ecology was erroneously informed by BAAQMD public information personnel that the deadline for comments for both the Plan and the D.E.I.R. is August 19. We would appreciate your consideration of all of our comments in spite of missing the Plan comment deadline.

## 1. MARKET-BASED PRICING

Urban Ecology supports actions and programs that encourage a wide variety of alternatives to automobiles; from walking to mass transit. One of the best tools for achieving a large mode shift has the added benefit of making the transportation system more equitable: the reduction or elimination of subsidies to automobile users. The huge current subsidies promote the construction and use of a transportation system wasteful of energy and land and unhealthy in its pollution. The subsidies are also unfair in that people who don't use the subsidized system are subsidizing those who do use it.

Subsidies to auto users ensure that there will be a vast constituency to maintain the auto-centered system at the expense of alternative land use and transportation systems. We understand that because there is a vocal group who want their subsidies to be maintained, the BAAQMD is hesitant to quickly establish some of the market-based TCMs over which it has authority (namely auto parking pricing and supply). The opinion of those demanding retention of auto subsidies should be discounted in comparison to those that ask for auto users to pay their own way. It is not equitable to force those who don't drive, and those who drive infrequently, to help pay the day-to-day costs of driving, as well as suffer from the auto-related "externalities" We urge the BAAQMD to adopt a plan which calls for the speedy elimination of all automobile subsidies.

The D.E.I.R. identifies the "Accelerated Market-Based TCM" Alternative as the environmentally preferred plan "because it would achieve larger emission reductions earlier..."<sup>1</sup>. The Plan and the D.E.I.R. justify a delay of ALL Market-Based TCMs due to a suggested lack of legal authority by the BAAQMD to enact these measures. However, the Plan clearly indicates that the BAAQMD has the authority to regulate parking management<sup>2</sup>, and the CARB has identified

C5-P

C5-1

<sup>1</sup> '91 CAP Draft E.I.R., Vol. 1, July 1991, page 2-9.

<sup>2</sup> '91 Draft CAP, April 1991, page 59; Addendum to Draft CAP, June 18, 1991, page 7.

- C5-S1 "Parking Supply & Pricing Management" as a "reasonably available" TCM<sup>3</sup>. Given the D.E.I.R.'s findings on the preferred alternative, Urban Ecology and all citizens who care about air quality and more a equitable economic system, expect the Final Plan to include the Parking Management TCM in Phase 1.
- C5-2 The elimination of motor vehicle subsidies could have some negative consequences upon lower income and fixed income groups. The program should strive to be revenue neutral overall. Particular mechanisms to consider include: Parking fees could be offset by a mandatory transportation allowance, paid by the collector of the parking fees. All employees should receive an equal allowance, regardless of their transportation situation. Perhaps the allowance could be phased out over time. Pollution fees, fuel taxes, etc., should be offset by reductions in the general taxes currently used to provide the subsidies. To offset increased transportation costs to very low income individuals, a negative income tax may be necessary.
- C5-3 **2. HOV LANES (resulting in highway expansion) & ARTERIAL IMPROVEMENTS (TCMs 8, 12)**
- The Plan and D.E.I.R. assume that these measures will reduce auto-related pollution by reducing traffic congestion. The plan and D.E.I.R. ignore the fact that studies of constructed projects consistently show that increased arterial and highway capacity lead to more auto use<sup>4</sup>. Traffic on expanded road systems should be expected to attain the pre-expansion levels of congestion over time, but with a greater number of vehicles. Therefore, TCMs 8 and 12 are counter-productive. Even if land-use and other controls could somehow eliminate any increases in auto usage, using highway expansions and arterial improvements to reduce traffic congestion must be honestly compared to the traffic reduction potential, total costs, and resource efficiency of transit alternatives.
- C5-P **3. COMMENTS ON OTHER TCMs**
- 3A. TCM 4: Where additional rail facilities are tied into the construction of new highways, there may be no air pollution benefit (see comment no. 2 above).
- 3B. TCM 5: More auto parking at transit stations will exacerbate local air pollution. Instead, regional agencies should direct money into helping to build housing near the transit terminal (for those that want to use public transit).
- 3C. TCM 18: To ensure that high density housing built near transit stations is in fact occupied by those who want to use the public transit regularly, and to reduce opposition to the housing based on traffic concerns, limit the amount of auto parking allowed at these sites. Of course, secure weather-protected parking should be provided for bicycles and motorized carts (see discussion on carts below).
- 4. ADDITIONAL TCMs FOR CONSIDERATION IN THE FINAL CAP**
- 4A. The Plan should analyze the extent that lightweight motorized carts, as well as a wider array of bikes (including adult tricycles and bikes with trailers) can be

<sup>3</sup> '91 CAP Draft E.I.R., Vol. 1, July 1991, pages 4.2-12 and 4.2-13.

<sup>4</sup> "Does Free-flowing Traffic Save Energy and Lower Emissions in Cities?", P.W.G. Newman, J.R. Kenworthy, T.J. Lyons, Search Sept./Oct. 1988. The authors' analysis of several cities has determined that implementing measures designed to promote "free-flowing traffic does not lead to savings in fuel or time, or lowering of emissions in a city overall." This is because these measures induce more dependence upon the auto.



useful for intra-city trips. Improvements to residential streets can be made (i.e. "traffic calming" measures) that improve safety for bicyclists, and make the use of light-weight electric cars more practical. The street system would be modified if necessary to provide safe direct access by bikes and carts to commercial areas and to public transit stations. Because electric cart trips would typically be short, fast speed is unnecessary. This proposal could be incorporated into TCM 20.

(NOTE: carts are advantageous in terms of energy, air pollution, noise, resource consumption, space, and ownership/operating costs when compared to automobiles. Carts are now widely used in the City of Avalon, CA; the City of Palm Desert is planning a comprehensive near-term program to encourage electric carts for intra-city trips<sup>6</sup>)

4B. Impose parking fees for all automobile parking at transit stations. Currently, non-auto using transit users subsidize those who use the parking facilities. To mitigate against the parking fees reducing transit patronage, the fees should be set lower than other commuter parking. The collected parking fees should mandatarily be used to reduce transit fares for all patrons.

4C. The current BART fare structure is set up for one-stop commute trips, not for multiple-stop (in same direction) trips that are more likely for shopping, pleasure, etc. Institute a reduced fare for additional trips made in the same direction on the same day. (The BART system is focused on serving commuters. This encourages people to continue owning and using automobiles for other trips, which make up the great majority of VMT). This measure should also be applied to any other transit operator with rates that discourage multiple stop trips.

4D. Parking Management ought to include the following in addition to pricing mechanisms:

1. Limit the total number of parking spaces that may be constructed per development to an amount that will accommodate the number of vehicles expected assuming the modal shift necessary to solve the Bay Area's air pollution and traffic problems.
2. Encourage or mandate that new parking be provided in centralized, consolidated municipal facilities. Consolidated parking would have many parking management, access, and land use efficiency benefits.

4E. The Plan and D.E.I.R. omit automotive diurnal emissions as a large source of hydrocarbons<sup>6</sup>. Reducing the number of automobiles is a direct way to achieve reductions in diurnal emissions. The plan should address measures that would encourage an absolute reduction in the number of autos in this region.

4F. Non-commute trips make up about 3/4 of all Bay Area VMT. The economics of auto ownership are such that while the total ownership and operational cost is high, the marginal per trip cost is relatively low. If a wide array

<sup>5</sup> CITY OF PALM DESERT GOLF CART TRANSPORTATION PILOT PROJECT: John Wohlmutz, Environmental Conservation Manager, City of Palm Desert 73-510 Fred Waring Drive Palm Desert, CA 92260 (819) 346-0611

<sup>6</sup> Hydrocarbons per day for single 20 mile round trip (10 miles each way, which is about Bay Area average for commuting), in Grams:

Start	10.8	34.5%
Running	9.8	31 %
Finish	5.0	16 %
Diurnal	5.8	18.5%

Source: Bill Loudon, 8/25/91, JHK & Associates (JHK is MTC's consultant on RTP EIR)

- of less expensive transportation alternatives is provided to people, many may be willing to not own a car. In addition to many of the TCMs in the Plan and listed above, another inducement to give up personal car ownership would be the wider availability of auto rental agencies close to where people live; thus providing autos for those occasional trips where an auto is considered to be the best choice.
- C5-5 4G. The Plan and D.E.I.R. does not deal with aircraft and ships (including ferries) as mobile sources. Not only should mitigations to air pollution from these sources be instituted, but rail transportation should be evaluated as a possible preferred alternative based on air pollution, energy-efficiency and other environmental measures.
- C5-P **5. OTHER Draft CAP NOTES**  
5A. The Plan (page 6) states that "... we experience clear air most of the time." This statement evidently concerns Criteria Pollutants, and not Toxic Air Contaminants. This should be clarified.  
5B. The plan blames increased driving on "affluence and mobile lifestyles". This neglects the important contributors to auto dependence which need to be recognized: land use, transportation infrastructure, subsidies and "forgiven" costs.
- C5-S2 **6. OTHER Draft E.I.R. NOTES**  
6A. The BAAQMD and the public should not consider market-based pricing as an increase in costs, but as a reduction in subsidies. In other words, increases in user fees should be offset by reductions in other costs, including general taxes if warranted.
- C5-6 6B. In addition to improvements in bicycle access and bicycle parking, traffic and parking impacts around transit stations can be reduced by accommodating small motorized carts (see 4A above).
- C5-7 6C. Place a high priority on using non-diesel busses on bus routes which share roads with designated bicycle routes.

With the inclusion of the points above, the '91 CAP offers a chance to accomplish real improvements for Bay Area air quality, as well as improve the traffic mess. Thank you.

Sincerely,



Gary Farber  
for URBAN ECOLOGY

cc: Mr. Henry Hilken, Planner, BAAQMD

NOTE: Correspondence on the above matter should be directed to:  
Gary Farber 1635 McGee Ave. Berkeley, CA 94703 (415) 464-8087

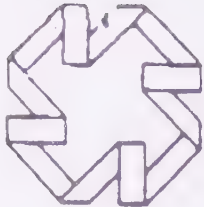


**Response to Comment  
Letter C5**

RESPONSE C5-P	See Section 1.2 regarding comments on the CAP.
RESPONSE C5-1	See Response B5-2.
RESPONSE C5-S1	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE C5-2	The effect discussed in the comment was taken into account in the analysis. Note the VMT and vehicle trip increases shown in Tables 4.2-7 and 4.2-8, on pages 4.2-28 and 29 of the DEIR, for TCM's 11 and 12. Taking these factors into account, the analysis showed a net reduction in pollutant emissions due to congestion reductions associated with these measures. Consequently we do not agree that TCM's 8 and 12 are counter-productive.
RESPONSE C5-3	See response C5-2. There is no intent on the part of the BAAQMD to have TCM 4 rail improvements tied into highway capacity improvements.
RESPONSE C5-P	See Section 1.2 regarding comments on the CAP.
RESPONSE C5-4	Although neither the CAP or the DEIR quantifies the reduction in diurnal emissions from an absolute reduction in autos in the Bay Area, the effect of many of the CAP's TCMs would be to reduce auto dependence and consequently reduce auto ownership. Diurnal auto emissions were included in the emission inventories and also in the estimated emission reductions resulting from the implementation of the CAP.
RESPONSE C5-5	The District has no regulatory authority over ships and aircraft. These are regulated at the federal and State level. In addition, it should be noted that TCMs 3, 4, 5 and 6 do promote the use of rail transportation.
RESPONSE C5-S2	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE C5-6	Electric carts would reduce the size of the vehicles moving on neighborhood streets and parking in the lots, but not the number of vehicles. Consequently, traffic impacts and parking demand would be unaffected (in terms of numbers of vehicles). The smaller vehicle size would allow more parking spaces to be fitted within a given lot area. The space savings would depend upon layout of the lot and the proportion of drivers using the carts.

RESPONSE C5-7

The suggestion to use non-diesel buses on bus routes which share roads with designated bicycle routes will be taken under advisement in the implementation of TCMs related to this matter.



**naiop**

**National Association of Industrial  
and Office Parks**

**Silicon Valley Chapter**

P.O. Box 24399, San Jose, CA 95154-4399 • (408) 288-5916 • Fax: (408) 288-5649

LETTER C6

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Mark Waxman

Monday, August 19, 1991

Mr. Henry Hilken, Planner  
Bay Area Air Quality Management District  
939 Ellis Street  
San Francisco, CA 94109

Dear Mr. Hilken:

The Silicon Valley Chapter, National Association of Industrial and Office Parks (NAIOP), submits the following comments on the Draft Environmental Impact Report (DEIR) for the Bay Area 1991 Clean Air Plan (CAP).

NAIOP is the leading forum for the exchange of ideas and legislative involvement in the industrial and office real estate development field. The Association includes 5,000 firms throughout the country. The Silicon Valley Chapter, with 151 members, ranks 8th in size of the nation's 69 NAIOP chapters. For the past three years, our Chapter members have monitored the development of the 1991 Clean Air Plan. NAIOP directors and staff have actively participated in meetings of the Metropolitan Transportation Commission's Transportation Control Measures Work Group, have testified at an estimated 23 public hearings throughout the Bay Area, and have worked with staff and public officials to communicate our interest and concern with these issues. NAIOP is one of the founders of the Business Air Quality Policy Committee (BAQPC), which has effectively analyzed and articulated the views of over 1000 Bay Area private employers about proposed Clean Air programs and policies. Our comments focus on five major points:

(1) **The Analysis of the Market-Based Transportation Control Measures contained in the Draft EIR's is not complete:**

a) The discussion has not been developed; alternative charts, such as those that have been drafted concerning emission reduction for reactive organic gas (Table 6-4), are not presented for the Accelerated Market-Based TCM's in Section 6.

b) The description of the Alternative Market-Based TCM's on page 6-15, seeks to package the parking fees, making the assumption that these would all be imposed simultaneously and concurrently. Previous discussions with employers have demonstrated that alternatives to mandatory fees may be developed. There has been speculation by official sources that non-working parking fees

C6-1

C6-2

C6-3



		(shopping centers / retail areas) may not even be necessary. NAIOP believes that the DEIR presentation of information about the parking charges, which are only one element of the Market-Based TCM's, appears suspiciously as a "scare tactic."
C6-4	(2)	<u>The indirect source rules presented in the Clean Air Plan will be very difficult, if not impossible, to administer.</u>
C6-5		If the Bay Area's non-attainment status for clean air preexists new development, it is impossible to show a connection between new development and the need for mitigation of new projects. It is NAIOP's understanding that on July 24, 1991, the Building Industry Association submitted formal legal opinion on this issue to the Air District.
	(3)	<u>The DEIR clearly stated on page 2-9 that "the 'Accelerated Market-Based Alternative' was selected as the environmentally superior alternative because it would achieve larger emission reductions earlier, thereby reducing the exposure of the population to high levels of ozone sooner." NAIOP members are unable to understand why the DEIR then dismisses this strategy, saying that "this alternative is very unlikely to be possible to implement." NAIOP members strongly disagree and request that the DEIR be changed, for these reasons:</u>
		* The Business Air Quality Policy Committee, which has been working with key members of the State Legislature on these issues, believes that there is sentiment for immediate change in the laws.
		* Until all legislative remedies are exhausted, NAIOP believes that the imposition of strategies other than the admitted "superior alternative" of Market-Based TCM's is unfair to the people and businesses of the Bay Area.
C6-S1	(4)	<u>The costs to Bay Area businesses of the proposed Transportation Control Measures, without the implementation of the Market-Based Alternative Strategy, is enormous.</u>
C6-S2	(a)	The imposition of additional layers of governmental approvals and regulations will drive the cost of doing business so high that businesses will leave California.
C6-S3	(b)	There is considerable evidence that the removal of business from California is already underway. The August 18, 1991 <u>San Jose Mercury News</u> front-page story documents the spiraling effect of government regulations, and the subsequent removal of manufacturing jobs from our state.



(c) Market-Based Strategies offer a sensible alternative in which the citizens of the Bay Area, through the imposition of taxes and tolls, can participate in the programs to clean our air.

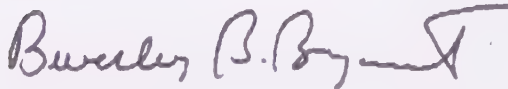
- (5) Market-Based Alternative Strategy, if implemented properly, will provide revenue for mass transit projects, which would be developed concurrently with the collection of fees.

(a) The DEIR (p. 6-16) assumes that mass transit projects could not be put in place until all fees were collected. The experience of Measure A programs in Santa Clara County defies this. Transit projects are being built concurrently with fee collection.

(b) Creative solutions to faster construction and implementation of transit programs and facilities would be found once funds are made available.

NAIOP members appreciate the opportunity to comment on the Draft EIR for the Clean Air Plan. We hope that our comments will be thoroughly investigated and addressed in the final copy of the Environmental Impact Report for the 1991 Bay Area Clean Air Plan.

Sincerely,



Beverley B. Bryant, Executive Director  
Silicon Valley Chapter, NAIOP

**Response to Comment  
Letter C6**

- RESPONSE C6-1                      For specific responses, please refer to Responses C6-2 and C6-3.
- RESPONSE C6-2                      Estimation of emission reductions from the implementation of the "Accelerated Market-Based TCMs" alternative, as discussed on page 6-16 of the DEIR, "is not possible with existing information, resources or models". However, more specific information is available regarding the expected emission reductions from the specific market-based TCMs discussed in the CAP. Please refer to Response C15-5.
- RESPONSE C6-3                      The District does not have the authority to directly assess parking fees. The CAP proposes that parking fees be included as options in the employer-based trip reduction program and indirect source control program. Under Phase 1 of the CAP, the District will set performance standards for compliance with the employer-based trip reduction program and the indirect source control program. Employers and indirect source operators would have the option of charging for parking and/or implementing other trip reduction efforts to comply.
- The District considers mandatory parking fees to be one of the market-based TCMs. Legislative authority for market-based TCMs will be pursued in Phase 1. Because of the time required for the legislative process, implementation of market-based TCMs is not expected until Phase 2. Schedules and specific requirements of individual market-based TCMs will be directed by the authorizing legislation.
- The "Accelerated Market-Based TCMs" Alternative discussed in the DEIR is provided to allow comparison of the proposed CAP with alternative approaches, as required by CEQA. As noted above, consideration of parking fees as a market-based measure is consistent with previous District positions.
- RESPONSE C6-4                      Motor vehicle trips associated with indirect sources generate significant amounts of air pollution. In the Bay Area, motor vehicles are responsible for approximately eighty to ninety percent of carbon monoxide emissions and half of the emissions of man-made ozone precursors (reactive hydrocarbons and nitrogen oxides).
- The region's development pattern, including the density of development and distribution of land-uses, has an enormous influence on motor vehicle use and, therefore, on air quality. The California Clean Air Act (CCAA), Section 40918, requires that air quality management districts that have not attained State air quality

standards include "provisions to develop... indirect source control programs" in the 1991 Clean Air Plan (CAP). The California Air Resources Board (ARB) Guidance Document on Indirect Source Control Programs adds: "...districts must consider the development of indirect source control programs achieving the state ambient air standards by the earliest practicable date and for meeting the [CCAA goal of] five or more percent reduction in nonattainment pollutant emissions each year" (CARB 1990).<sup>1</sup>

The CCAA requires that attainment plans be designed to achieve and maintain State ambient air quality standards. Motor vehicle emissions associated with new indirect sources could make attaining and maintaining the State standards even more difficult. Therefore, the CAP proposes an indirect source control program to reduce emissions from new and existing sources.

Please see also Response to Comment B1-7.

RESPONSE C6-5	See Response C3-2.
RESPONSE C6-S1	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE C6-S2	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE C6-S3	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE C6-S4	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE C6-S5	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE C6-S6	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE C6-S7	See CAP Socioeconomic Report, Response to Comments document.

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<sup>1</sup> Bay Area '91 Clean Air Plan (CAP) Issue Paper #5, H. Hilken, I. Mussen, J. Roggenkamp and M. Murphy (BAAQMD), October 1990.





Pacific Gas and Electric Company

P.O. Box 7640  
San Francisco, CA 94120  
415/972-6901  
Telecopy 415/972-9201John F. McKenzie  
Director  
Environmental Planning

August 19, 1991

Henry Hilken, Planner  
Bay Area Air Quality Management District  
939 Ellis Street  
San Francisco, CA 94109

Dear Mr. Hilken:

Subject: Draft Environmental Impact Report  
and Socioeconomic Report for the  
Bay Area Clean Air Plan

PG&E appreciates the opportunity to comment on the Draft Environmental Impact and Socioeconomic Reports for the Bay Area's Clean Air Plan (CAP). We wish to compliment the staff of the Bay Area Air Quality Management District on its preparation of these comprehensive documents. While we have already transmitted our specific concerns relative to some of the oxides of nitrogen control measures in the CAP, we nonetheless believe that the CAP will generally enhance the quality of life and long-term economic vitality of the Bay Area. We offer the following comments.

Table 2-1 (pages 2-10) in the Executive Summary states that in order to mitigate the expected increased use of diesel buses, "Methanol-fueled or electric buses would be used where transit districts determined they were feasible." PG&E advocates the increased use of compressed natural gas (CNG) as a clean air vehicle fuel in buses, as well as in other types of vehicles. There are approximately 700,000 CNG vehicles in existence worldwide. Of these 700,000, approximately 30,000 are in the United States. In California there are currently 11 transit buses and 10 school buses fueled by CNG. CNG then is clearly a feasible candidate to replace higher emitting fossil fuels until electric vehicles are perfected. By January 1992 we anticipate there will be over 100 school buses fueled by CNG in our service territory (i.e. Northern and Central California). Presently, PG&E has 9 CNG refueling stations in the Bay Area. We are currently planning to open 6 more Bay Area CNG refueling stations by the end of 1991. Therefore, we request that compressed natural gas be included in the listing of viable alternative fuels for buses.

C7-1

C7-2

Page 4.7-8 of the Draft Environmental Impact Report (DEIR) states "... however CNG engines have less power than gasoline engines." While it is true that gasoline vehicles converted to run on compressed natural gas generally exhibit a slight power loss, it is not true for vehicles designed to be run exclusively on compressed natural gas. We request that this distinction be made.

C7-3

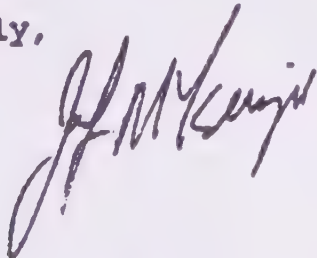
On page 4.7-5 of the DEIR the point is made that California is overly dependent on oil. We wish to clarify that California's electric utilities are not overly dependent on oil as a fuel source. In PG&E's case our electric resource mix is the most diverse of any electric utility in the country. It consists of hydroelectric, pumped storage, nuclear, geothermal, wind, and purchased power, as well as traditional oil/gas-fired electric generating sources. Our primary and preferred fossil fuel is natural gas produced in North America. Our use of oil is normally limited to periods of gas curtailment or for economic reasons.

C7-S1

Pages 3, 19, and 45 of the Socioeconomic Report reference employer-based trip reduction programs. From PG&E's perspective, such programs appear that they would be more easily implemented at our downtown San Francisco and Oakland offices. We believe it could prove more difficult to implement such programs at our outlying offices and more rural Bay Area facilities, which are currently not adequately served by mass transportation, and where our employees may live in widely disbursed areas, making it difficult for them to carpool or utilize alternative methods of commuting.

Please contact me if you have any questions or concerns about our comments.

Sincerely,

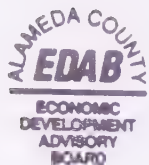


**Response to Comment  
Letter C7**

- RESPONSE C7-1                      The fourth mitigation measure on page 2-10 of the Summary of Environmental Effects, and Mitigation Measure 4.1-4(a), on page 4.1-27, is revised to read:
- Methanol-fueled, compressed natural gas fueled, or electric buses would be used where transit districts determined they were feasible.
- RESPONSE C7-2                      The third sentence of paragraph 4 on page 4.7-8 is amended to read:
- CNG is a suitable vehicle fuel that is inexpensive and low emitting. Gasoline vehicles converted to run on CNG have less power than traditional gasoline vehicles, however this is not true for vehicles designed to be run exclusively on natural gas. (J. McKenzie, PG&E. Letter of August 19, 1991.)
- RESPONSE C7-3                      The District concurs with this clarification. The following text is added to the second paragraph on page 4.7-5 of the DEIR:
- While PG&E is partially dependent on traditional oil/gas-fired electric generating sources, PG&E's electric resources mix is more diverse than other national utilities and includes hydroelectric, pumped storage, nuclear, geothermal, wind, and purchased power, with the primary source being natural gas.
- RESPONSE C7-S1                      See CAP Socioeconomic Report, Response to Comments document.







## Alameda County

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August 19, 1991

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John Woodbury  
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Henry Hilken, Planner  
Bay Area Air Quality Management District  
939 Ellis Street  
San Francisco, CA 94109

Dear Mr. Hilken:

Subject: COMMENTS REGARDING THE SOCIOECONOMIC REPORT FOR THE  
BAY AREA 1991 CLEAN AIR PLAN

The Industry/Government Relations Committee of the Economic Development Advisory Board would like to make the following comments on the Socioeconomic Report for the Bay Area 1991 Clean Air Plan (CAP). The Economic Development Advisory Board was established to promote the economic vitality of Alameda County by working with local government and private sector interests. The program is supported by cities, the County, labor and the private sector in Alameda County.

As part of our review of the Socioeconomic Report, we obtained reports completed by consultants who had worked on the South Coast Air Quality Management District's plan and had follow-up discussions with the consultants to see what they had learned in analyzing that document.

In reviewing the Socioeconomic Report, two major issues concern us. First, the methodology used in preparing the Report does not use a sound baseline of data in estimating the costs and benefits of implementing the CAP. Second, the cost impacts, as well as related benefits, for the public and private sectors have relied on far too many assumptions. In relation to these two issues, we have the following more specific comments:

Relying on the Association of Bay Area Government's (ABAG) projections for describing the economic structure of the region is misleading because the statistics are based on land use models and do not factor in land use restrictions or other impediments such as infrastructure, housing, etc. Many professionals in the field believe the estimates over-project potential growth. An independent method of evaluation should be used to formulate a picture of the economic structure given that goals for land use are not always achievable as forecasted.

C8-S1

C8-S2

C8-S3

C8-1

- C8-S4
- Many of the costs and benefits are stated as "+" or "-" so it is difficult to determine what the report really shows. First, a "+" may not have the equivalent value of a "-". Second, the ability of specific groups to meet other expectations that have been more clearly quantified is proportional to the extent of the true "+" and "-" costs.
- C8-S5
- Construction of the transit improvements included in the CAP are estimated to create 250,000 person years of construction employment (25,000 jobs for ten years). What happens after ten years? The benefit of these temporary jobs could be far outweighed by workforce transition and/or unemployment costs after ten years. Also, are these jobs created anyway with or without the CAP because of the increase in transit investment over the years? If so, the report should be changed to reflect this.
- C8-S6
- The estimates for costs and benefits combine dollars and jobs (some of which are not permanent) so the cost/benefit information is misleading.
- C8-S7
- The analysis regarding employment does not take into consideration the full impact of costs to society. These include retraining and social costs related to readjustment and unemployment. In relation to this, what analysis has been done to support the assumption that 50% of the jobs lost due to compliance will be replaced by new jobs related to the new control technologies? Even if this occurs, those who lose their jobs may not be those who obtain the new jobs. Training could be needed for both segments of the population thus greatly expanding the cost estimates and placing an added burden on already financially strapped local governments.
- C8-S8
- Businesses may have difficulty financing equipment necessary to meet the newly required technology. You have proposed that, as a possible offset, some new business opportunities could develop locally to assist companies in complying with the new control measures. What analysis have you done to support the idea that new local companies would be able to produce the necessary equipment given that transportation equipment manufacturing has seen a decline in the number of employees for 1978-1988 per ABAG? Even if this can be done, there would be costs associated with start-up times therefore new revenues for one company cannot directly translate into offsetting costs for others. Is this another opportunity for technologies to develop outside of the Bay Area at the expense of Bay Area jobs lost due to new requirements?
- C8-S9
- Transportation Control Measures could have significant impacts for businesses depending on the elasticity of the market. It appears that further analysis is needed on the potential magnitude of this issue.
- C8-S10
- Additional Stationary Control Measures are stated to have modest or unknown cost impacts on electric, gas and sanitary services. It appears that the enactment of the emission minimization management plan (F2) with the intent to freeze allowable emissions at 1987 levels could have significant costs and a greater attempt should be made at quantifying the impacts before any decision is reached on this. The



August 19, 1991

report further states that it appears that this measure would not allow expansion of existing facilities if new development resulted in increased facility emissions of controlled pollutants unless the industry adopted technologies to reduce emissions at existing facilities by an amount equal or greater than the increase resulting from the new development. This could have compounding effects on already unknown costs.

C8-S11

- Compliance costs for the transportation equipment industry total \$8.3 million. The report acknowledges the availability of offsets for purchase by industry but even if offsets are available, the costs of compliance could be very high which could deter future new business investment in the Bay Area whether it be from new businesses or from expansion of existing businesses.

C8-S12

- Finally, the negative impacts have been underestimated given the fact that the Bay Area has only been out of compliance with federal regulations two times in the past year and 14 times with the State regulations. It is the committee's hope that the Bay Area's designation of "severe" be revisited in the form of legislative amendments currently under discussion with the State Air Quality author.

C8-S13

In the meantime, it is critical that you further assess the trade-offs for business, industry and consumer groups in achieving one day of clean air and the ultimate benefits to the people in the area for that day of clean air. A similar analysis should be done for each consecutive day of clean air. This type of analysis would provide you and the public with the information needed to properly evaluate the plans in the arena of costs versus benefits.

Thank you for the opportunity to respond to this report. If you have any questions, please contact me.

Sincerely,

  
IGNACIO DE LA FUENTE  
CHAIRMAN, INDUSTRY/GOVERNMENT RELATIONS COMMITTEE

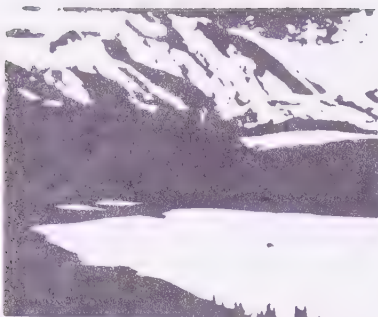
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cc: Don Perata, EDAB Chairman  
Members, Board of Supervisors  
Members, Industry/Government Relations Committee  
Members, EDAB Executive Committee  
City Economic Development Directors  
Chambers of Commerce Executive Directors  
Steven C. Szalay, County Administrator, Alameda County

**Response to Comment  
Letter C8**

RESPONSE C8-S1	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE C8-S2	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE C8-S3	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE C8-S4	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE C8-S5	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE C8-S6	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE C8-S7	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE C8-S8	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE C8-S9	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE C8-S10	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE C8-S11	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE C8-S12	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE C8-S13	See CAP Socioeconomic Report, Response to Comments document.





Sunrise, Mt. McKinley

Ansel Adams

# SIERRA CLUB LEGAL DEFENSE FUND, INC.

*The Law Firm for the Environmental Movement*

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August 19, 1991

Mr. Henry Hilken  
Bay Area Air Quality Management District  
939 Ellis Street  
San Francisco, CA 94109

The following comments on the July 1991, Draft Environmental Impact Report ("DEIR") for the April 1991, Draft Bay Area Clean Air Plan ("Draft CAP") are submitted by Sierra Club Legal Defense Fund on behalf of our client, the Sierra Club. These comments are supplemental to Sierra Club member comments and confined to a legal analysis of the DEIR in comparison to the statutory requirements of the California Environmental Quality Act ("CEQA").

Throughout the CAP development process, we have made comments to the District on the inadequacies of the Draft CAP itself, subject to the California Clean Air Act ("CCAA"). As we previously discussed, the Draft CAP does not meet the legal requirements of the CCAA. The Draft CAP does not project a date of attainment for all nonattainment pollutants, does not meet the 5% per year reduction requirements and, in the alternative, does not implement all feasible measures on an expeditious adoption schedule.

The DEIR for the Draft CAP only perpetuates the District's disregard for the law. The DEIR does not meet the fundamental CEQA mandates. EIRs must provide detailed information to the public on the environmental impacts of a proposed project<sup>1</sup> and must encourage public discussion.<sup>2</sup> Also integral to an EIR is the identification of the significant environmental effects of a project, identification of alternatives to the project, and

— C9-P

— C9-1

1. CEQA Guidelines, Section 21061.

2. EIRs "[m]ust provide a cumulative impact analysis to the public that encourages rather than impedes meaningful discussion of these important issues." Mountain Lion Coalition et al. v. California Fish and Game Commission et al. (1st Dist. 1989) 214 Cal. App. 3d 104.

indications of the manner in which significant effects can be mitigated or avoided.<sup>3</sup> The DEIR fails on all counts.

C9-2

PUBLIC INFORMATION

There is a recurring theme among the Draft CAP and the DEIR for the Draft CAP: information is scant and insufficient under State law. This occurs even though CEQA was designed to specifically correct for such project deficiencies. The purpose of an EIR is to facilitate public awareness of the environmental consequences and involve the public in the decision making process.<sup>4</sup> But, it is not possible for the public to weigh environmental consequences if the consequences themselves and the alternatives to those consequences are not included, as is the case for the DEIR for the Draft CAP.

C9-3

CEQA specifically mandates that EIRs be organized and written to be meaningful and useful to decisionmakers and the public.<sup>5</sup> In contrast, this DEIR avoids critical health issues and does not adequately analyze the alternative actions that could meet clean air standards. It does not "demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implication of its action."<sup>6</sup>

C9-4

SIGNIFICANT IMPACTS

The DEIR does not identify the significant adverse effects of the Draft CAP. In its current form, the CAP will not meet CCAA health standards and will not reduce nonattainment pollutants 5% per year. The result is a continued, long term, significant, and adverse impact on the environment, as well as a hazard to public health.

3. CEQA Guidelines, Section 21002.1.

4. "[A] paramount consideration is the right of the public to be informed in such a way that it can intelligently weigh the environmental consequences of any contemplated action and have an appropriate voice in the formulation of any decision."

Environmental Planning and Information Council v. County of El Dorado (3d Dist. 1982) 131 Cal. App. 3d 350, 354.

5. CEQA Guidelines, Section 21003.

6. CEQA Guidelines, Section 15003, subd. (d), citing People ex rel. Department of Public Works v. Bosio (2nd Dist. 1975) 47 Cal. App. 3d 495.



Further, the DEIR does not identify the significant adverse impacts other districts are and will continue to be subjected to due to transported pollutants from the Bay Area. Mitigation measures for these effects should be included in the DEIR.

#### ALTERNATIVES

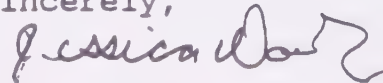
The DEIR does not develop acceptable alternative analysis to the project. There are many examples of alternatives that should be included in an EIR. For example an EIR for the CAP should include alternatives that: achieve compliance by 1997; incorporate all measures proposed by other districts; move implementation dates forward; and include all measures proposed by the various environmental groups in the Bay Area. There is simply no excuse for excluding viable and effective alternatives in an EIR.<sup>7</sup>

#### SUMMARY

It is discouraging to find yet another Bay Area air quality document in violation of State law. CEQA requirements have been broadly interpreted to ensure environmental protection.<sup>8</sup> Detailed information on environmental resources affected by projects must be provided, significant impacts must be addressed, and alternatives and mitigation possibilities must be incorporated. The DEIR for the Draft CAP overlooks these requirements and denies the public the information that is crucial to involve them in the decision making process.

If you would like to discuss these issues, please do not hesitate to contact us.

Sincerely,



Jessica Wooley

---

7. "[E]ven readily apparent economic, environmental, technical, or social trade-offs are insufficient to excuse the study and discussion of such sites." Laurel Heights Improvement Assoc. of San Francisco v. Regents of University of California (1989) 47 Cal. 3d 376.

8. CEQA "must be interpreted so "as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language." Friends of Mammoth v. Board of Supervisors (1972) 8 Cal. 3d 247.

**Response to Comment  
Letter C9**

**RESPONSE C9-P**

See Section 1.2 regarding comments on the CAP.

**RESPONSE C9-1**

The District believes that the DEIR does meet the requirements of the California Environmental Quality Act (CEQA). The DEIR provides detailed information on the environmental impacts of the Plan and encourages public discussion, as discussed in the responses to comments C9-2 and C9-3. The DEIR does identify the significant environmental effects of the Plan, identifies and analyzes alternatives to the Plan, and indicates the manner in which significant effects can be mitigated or avoided, as discussed in the responses to comments C9-4, C9-6, and C9-7, below.

**RESPONSE C9-2**

The District disagrees with this comment, that the information in the DEIR is scant and insufficient under State law (CEQA). The DEIR does discuss the consequences of the Plan and selected alternatives. This analysis spans the entire range of environmental issues under CEQA which are relevant to this project, including air quality; transportation; land use and planning; population, employment and housing; public health and safety; public services and utilities; energy; biological resources; geology, soils and seismicity; hydrology and water quality; noise; cultural resources; and visual quality and aesthetics. Furthermore, the environmental analysis illuminates both primary and secondary impacts the Plan could have. For example, the primary effect of TCMs 3, 5, 8 and 10 would be beneficial effects of reducing automobile use, thereby improving regional air quality and traffic congestion. The DEIR also points out the secondary impact that increased bus trips and miles traveled would result in increased diesel exhaust emissions (Impact 4.1-9). The short term impacts of financial, material, human and environmental resources are quantified where possible in the DEIR; otherwise, these issues are addressed qualitatively. The District believes that the level of detail in the DEIR fully satisfies the legal requirements of CEQA. As stated in the CEQA Guidelines (Section 15146):

The degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR.

The DEIR does "encourage public discussion," in that it provides a clear discussion of the incremental and cumulative potential impacts of the CAP. The DEIR presents this complex cumulative impact analysis for the multi-faceted CAP in layperson's terms.



Finally, the DEIR does present alternatives to the CAP in Chapter 6. This Chapter discusses issues inherent in the consideration of alternatives. It also provides a comparison of each alternative to the CAP in terms of each environmental topic area.

RESPONSE C9-3

The District strongly believes that the DEIR is organized and written to be meaningful and useful to decision makers and the public. It lays out the potential environmental consequences of the CAP, it identifies mitigation measures to minimize those impacts, and it is written in clear language.

The comment "This DEIR avoids critical health issues" is assumed to pertain to the same issues as in Comment C9-4. Please refer to the response to Comment C9-4.

Similarly, the comment alleges that the DEIR "does not adequately analyze alternative actions." Please see the response to Comment C9-6.

RESPONSE C9-4

This comment asserts that the District's forecast that the CAP would not reduce emissions of nonattainment pollutants or their precursors by 5 percent per year would result in a continual, long-term, significant, adverse impact to the environment and to the public health, and that this impact is not addressed in the DEIR.

First, the CAP is expected to result in the attainment of the standard for carbon monoxide by 1997. It is attainment of the ozone standard which the District cannot accurately forecast at this time.

The District believes that the appropriate baseline for consideration of the CAP's environmental impacts is the present and future without the CAP. As described in the Air Quality Section of the DEIR (pp. 4.1-19 through 4.1-26) and the Public Health and Safety Section (pp. 4.5-8 to 4.5-18), the CAP would result in a substantial decrease in emissions of certain criteria pollutants and toxic air contaminants that would constitute an important beneficial effect. The CAP is a necessary and important step to the ultimate attainment of the CCAA standards.

RESPONSE C9-5

As with Response C9-4, the District believes that the appropriate baseline for consideration of the CAP's environmental impacts is the present and future without the CAP. The emission reductions resulting from implementation of CAP control measures will reduce transport of air pollutants from the Bay Area to neighboring regions. The DEIR discusses the environmental effects of air pollutant transport to adjacent air basins in the Cumulative Impacts and Mitigation Measures section, page 4.1-42.

RESPONSE C9-6

The District disagrees with this comment, that the alternatives are not acceptable. An EIR is required to include reasonable alternatives, not alternatives which are speculative or remote. The constraints affecting the selection of alternatives are discussed on pages 6-1 through 6-4 of the DEIR and in the CAP.

The DEIR does not include an alternative that achieves compliance by 1997 because District modeling was unable to forecast that the ozone standard could be achieved by that date with a feasible control strategy. For the CAP, feasible measures are considered to be those which are: 1) reasonable and necessary for the Bay Area, 2) capable of being implemented in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors, and 3) approved or approvable by the California Air Resources Board (ARB), based upon State law and ARB policies.

The District considered control measures adopted or under consideration in other air districts when drafting the CAP. The District will continue to benefit from experiences of other districts by monitoring regulatory activities of other regions as we implement the CAP. Successful control strategies from other districts that are not already in the CAP will be considered during CAP implementation to the extent feasible, and will be incorporated in future CAP updates as appropriate.

Regarding accelerated implementation dates, the CAP includes a rule adoption schedule which is significantly more ambitious than past District experience as well as ARB guidance. The CAP proposes an adoption schedule of eight CAP control measures, including one major TCM, per year. This is in addition to other non-CAP regulatory activities related to toxics, particulate matter and updates to existing rules.

Regarding the inclusion of all control measures suggested by various environmental groups, the District has seriously considered all recommendations by environmental groups when preparing the CAP. Many of the revisions in the Final CAP are in response to suggestions by environmental organizations.

RESPONSE C9-7

See Responses C9-1 through C9-6.



# SIERRA CLUB

Northern California/Nevada  
Regional Conservation Committee

926 Plum Lane, Davis, California 95616

Henry Hilken, Planner  
BAAQMD  
939 Ellis St  
San Francisco CA 94109

19 August 1991

RE: Comments on the Draft 1991 SF Bay Area Clean Air Plan, TCM Elements

Dear Mr. Hilken,

C10-P

We have received a copy of the referenced plan and DEIR. Thank you for including us on the distribution list for these documents. We are writing at this time to provide the attached additional written comments on the TCM elements of the Plan, as requested. You have received other comments from John Holtzclaw, Clayton Mansfield, Margot Dishner, and Jessica Wocley regarding various aspects of the Plan, DEIR, and Addendum

Please continue to communicate with us regarding the Plan to both the Air Quality Committee and Transportation Committee at the following address:

Sierra Club SF Bay Chapter  
5237 College Ave  
Oakland CA 94618-1414

Thank you for the opportunity to comment on this important plan. If you have any questions regarding these comments, please contact me as indicated below.

Sincerely,

David Pilpel  
Bay Area Transportation Chair  
383 Crestlake Dr  
San Francisco CA 94132-1320  
(415) 954-1210

Attachment

cc: Brad Bristow, NC/NRCC Chair  
Ken Ryan, NC/NRCC Transportation Chair  
Genji Schmeder, Redwood Chapter Chair  
Len Swenson, Redwood Chapter Conservation Chair  
Margo van Veen, Redwood Chapter Staff  
Barb Schneiders, Redwood Chapter  
Judith Goldsmith, SF Bay Chapter Conservation Chair  
David Nesmith, SF Bay Chapter Conservation Director  
Margot Dishner, SF Bay Chapter Air Quality Chair

Clayton Mansfield, SF Bay Chapter Air Quality Committee  
Gene Coyner, SF Bay Chapter Air Quality Committee  
SF Bay Chapter Transportation Committee File  
Barry Boulton, Loma Prieta Chapter Conservation Chair  
Linda Barr, Loma Prieta Chapter Conservation Coordinator  
Irvin Dawid, Loma Prieta Chapter Transportation Committee  
John Holtzclaw  
Jessica Wooley, SCLDF  
Beth Hutchinson, American Lung Association  
Sherril Kimbell, Greenpeace  
Denny Larson, Citizens for a Better Environment  
Julia May, Citizens for a Better Environment  
Dee Sabiston, League of Women Voters  
BACAP File



Sierra Club Comments on  
Draft 1991 SF Bay Area Clean Air Plan - TCM Elements  
19 August 1991

C10-P

The 1991 SF Bay Area Clean Air Plan, as currently proposed, is inadequate to meet the requirements of the California Clean Air Act and related legislation. You have heard other comments from our Legal Defense Fund, as well as other interested parties, to that effect. We are commenting now about specific concerns we have about Transportation Control Measures (TCMs) proposed in the plan.

\* \* \* \* \*

TCM 2: This measure must be strengthened by including "parking management", rather than having that measure included in TCM 22. The California Air Resources Board (CARB) lists "management of parking supply and pricing" as a "reasonably available" TCM (Addendum Attachment 2.a); therefore it MUST belong in Phase 1, not Phase 3. We believe that managing the parking supply would be the single most effective measure implemented by the District that does NOT need authorizing legislation. Please refer also to the Sierra Club Comments on the Socioeconomic Report on the effects of parking fees.

TCM 3: We need additional information about the implementation of this measure. We certainly support increases in transit service, but we find the language used to be unnecessarily vague. Timeframes need be spelled out. How exactly will MTC, and the District, "work with regional transit operators to increase bus and train service"? Will this include review of route design and headways to ensure that ridership is maximized? What about strictly local transit operators, like Muni, or Petaluma? CalTrain currently plans 66 trains a day by 1 Jan 1995. What can you do to move that date up? How would these new services be funded? By what date do you envision a "33% increase in bus service"? Can increased service levels be funded without additional state or federal subsidy, i.e. through use of parking fees?

TCM 4: We support rail transit service in general, but we would like to see heavily-used bus corridors upgraded to light rail in lieu of developing new heavy rail transit corridors. For example, Geary Blvd in San Francisco and San Pablo Ave in the East Bay would be ideal candidates.

TCM 5 and TCM 3: As usual, pedestrians get short shrift in the Plan. We commend your inclusion of improved bicycle facilities, but we would like more attention to be given to walking. Certainly walking should be considered an alternative mode on its own, and in conjunction with transit. Such measures should include improvements to sidewalks, including wheelchair ramps, pedestrian signal phases not requiring pushbutton use, and construction of more transit stop shelters and transit centers.

TCM 6: We have long supported increased service in the Capital Corridor between the Bay Area and Sacramento/Auburn. We would also like to see the Dumbarton Corridor included as a short-term service improvement. Over the longer term, Bay Area - Santa Rosa - Eureka and San Jose - Los Gatos - Santa Cruz are former passenger rail corridors that need to be revitalized. In particular, Dumbarton rail service offers the opportunity to serve inter-regional trips without increasing automobile use and emissions.

TCM 7: In addition to the services you discussed, MTC is currently conducting a Ferry Study to examine other ways to improve service. Also, other services that do not radiate from San Francisco should be examined. For example, would a Larkspur - Richmond or Oyster Point (SSF) - Alameda service be successful?

C10-3

**C10-P  
(CONT.)**

TCM 3: At this time, we support the conversion of existing mixed-use lanes to HOV lanes but oppose widening of highways for new HOV lanes. However, we are concerned in general about the use of HOV lanes to facilitate long-distance automobile commutes. We would like to see the District, in conjunction with MTC and Caltrans, to conduct a study of HOV lanes with particular emphasis on extended length continuous HOV lanes and their potential for allowing longer-distance commutes by automobile to be available. We believe encouraging these trip types generates more pollution by increasing trip length and opening up more outlying areas to automobile-based development. More study is needed in this area.

TCM 10: While we realize that encouraging high school students to carpool is better than allowing continued single-occupant use, we feel that greater emphasis must be placed on pedestrian and bicycling alternatives, neither of which are mentioned. If school districts are discontinuing free bus service due to budget constraints, then MTC should lobby for use of highway funds to subsidize it rather than allocate scarce transit dollars to school bus service.

TCM 11: Funding for the Traffic Operations System should come from automobile user fees, i.e. vehicle registration surcharges, like the SAFE (highway call box) program.

TCM 12: We oppose the concept of improving arterial traffic flow with the exception of mandatory signal pre-emption for all transit vehicles on transit streets. Rather than attempting to improve traffic flow, efforts should be directed to shifting mode from the automobile to other alternatives. Counties' Congestion Management Programs should NOT incorporate "arterial traffic management strategies into the travel demand elements" because the emphasis is wrong.

TCM 14: Liability insurance is a concern for transit as well as vanpools. Any program that provides such insurance should consider pooling (no pun intended) transit and vanpools to establish a larger base, share risks, and reduce premiums.

TCM 15: Carpools should not be supported at the expense of transit. For example, AC Transit has had difficulty maintaining transbay ridership when competing with HOV/Carpool incentives on the Bay Bridge. As an interim step, free tolls for HOVs makes sense. In the long term, all cars and trucks should pay tolls to fund transit alternatives.

If we are serious about achieving clean air, then we must be willing to adopt and implement some politically unpopular measures. Again, we appreciate the opportunity to comment and look forward to continued efforts to improve air quality in the Bay Area.

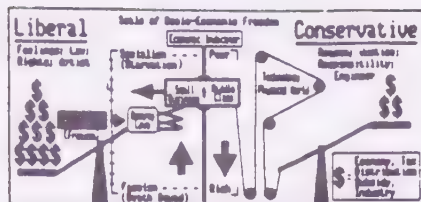
**Response to Comment  
Letter C10**

RESPONSE C10-P

See Section 1.2 regarding comments on the CAP.







## Small Business Development Corporation

956 Sacramento Street, #305  
San Francisco, Calif. 94108  
(415) 362-2250 Bus / (415) 433-7497 Res.



*Restoring Economic and Social Independence to the Small Business and Middle Class Community*

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bapclink3

HAND DELIVERED

August 19, 1991

Mr. Paul L. Cooper  
Chairman  
Bay Area Air Quality Mgmt. Dist  
939 Ellis Street  
San Francisco, CA 94109

Re: Public Comment on BAAQMD'S - Clean Air Plan Draft EIR of July, 1991

Dear Mr. Cooper:

Please include and address both the following comments and the issues, facts and alternative land use and transportation proposals raised in the referenced documents in both the "Comments and Responses" section of the Draft EIR and the Final EIR.

### OVERVIEW

During the course of the past five and a half years I have participated in numerous EIR and EIS studies. I have also participated in San Francisco's Housing Element of the Master Plan process. My involvement has resulted in my seriously questioning both the data and the conclusions reached by ABAG and other agencies. I have seen the data change from page to page in a given report, subsequent updates significantly change previous reports, and conclusions that do not include the financial, socio-economic and density impacts of projects that have been certified for construction by local officials.

I could write a book on this subject, but suffice it here to state that "in summary, it is my view that ABAG develops reports which essentially justify large-scale, high-density development projects and MTC develops transit system extensions required to transport people from where they can afford to live to where they work. Unfortunately, the MTC's transit systems are expensive, inefficient and generally obsolete about the time they are completed. In sum., MTC and ABAG uses one another's data in their planning activities, and thus, white elephants are set in concrete." If anybody wishes to question this statement, I refer you to the referenced reports that I have prepared and delivered to both San Francisco and MTC officials - reports whose listing of fact and fatal flaws have been substantiated by San Francisco's Planning Department, but wholly ignored by elected officials and deleted from EIR reports.

### LINK OF BAAQMD's CAP DEIR to MTC's RTP DEIR

The BAAQMD's Clean Air Plan DEIR is inextricably linked to the MTC's Regional Transportation Plan DEIR because of the latter's definition of future land use and transportation plans. BAAQMD's plans for draconian TCM's in order to address the environmental problems created only exacerbates the situation.

Certification and implementation of the policies and projects defined by ABAG, the MTC and BAAQMD will have substantial impact upon the future of the Bay Area for well into the 21st Century. For example page 168 of MTC's RTP EIR states:

*"The Project would require an irreversible commitment of financial resources to the development of the Project elements . . . the Project would require an irreversible commitment to satisfying mobility needs primarily through automobile accessibility."*

C11-3

In short, the Project defined in MTC's RTP EIR establishes that Bay Area transportation requirements are programmed to be "solved" with an expected increase in the use and density of automobiles in already high traffic areas - and once the Project is underway, it is irreversible. What happened to the "transit first" policy and the strict requirements codified in the Clean Air Act? Is not the BAAQMD's EIR also fatally flawed?

It is my position that ABAG, MTC, and the City and County of San Francisco have failed to address the issues, fatal flaws and alternative proposals contained in the reports listed below and that they must be addressed in this EIR:

- Report: *"Summary and Analysis of MTC's Bay Area Travel Forecasts (Models),"* July 14, 1991, 14 pages.
- Report: *"Public Comment, MTC's Regional Transportation Plan (RTP) Draft EIR,"* June 14, 1991, 14 pages.
- Brochure: *"Declaration For Restoring Economic and Social Freedom,"* (Synopsis) May 20, 1991, 2 pages.
- Presentation (SBDC Alternatives): *"Embarcadero Plaza Citizen Advisory Committee,"* March 26, 1991, 20 pages.
- Letter to Mr. Hank Dittmar, MTC, re New Rail Starts Program, January 14, 1991
- Letter to Members, Board of Supervisors, re Fatal Errors, Mission Bay EIR/Development Agreement, January 7, 1991
- Letter to Mr. Joe Cheung, Dept of Public Works, re Waterfront Transportation Project EIR, December 23, 1990
- Letter to Members, Board of Supervisors, re Fatal Errors, Mission Bay EIR/Development Agreement, December 10, 1990
- Letter to Members, Board of Supervisors, re Compliance Gov Code 65009, Mission Bay Dev Agreement, November 15, 1990
- Proposal: *"Small Business Bowl/Transit Link System,"* (Update 81) November 1, 1990, 36 pages
- Proposal: *"San Francisco Public Hearing Policy,"* August, 1990, 1 page
- Study: *"Fiscal, Financial & Social Evaluation of the Mission Bay, Infrastructure Projects,"* June 1990, 54 pages
- Study: *"A Unifying Theory of Political Corruption,"* February 1990, 28 pages

Under CEQA, the content, facts and circumstances raised by three of these reports have particular and substantial impact upon the validity of BAAQMD's EIR and thereby must be addressed:

- *"A Unifying Theory of Political Corruption / A Constitutional Means for Politically Eliminating It,"* February 1990, 28 pages. Contains 34 major flaws regarding San Francisco's land use and transportation projects and how certification of these projects have been achieved politi-



cally. Publication of this report resulted in Mayor Agnos attempting to mitigate the fatal flaws by releasing his Underground Embarcadero Roadway Plan.

- *"Fiscal, Financial & Social Evaluation of the Mission Bay Project Including Related Land Use and Transportation Projects and Alternative Proposals,"* June 1990, 54 pages. Documents that San Francisco's land use and transportation projects will unnecessarily raise the cost of living in San Francisco \$282 per month for every man, woman, child living in San Francisco resulting in the substantial displacement of San Francisco's Small Business and Middle Class Community, et al. Report substantiated by the Planning Department's fiscal and economic expert in July, 1990. Nevertheless, the serious environmental and socio-economic impacts have been ignored by the MTC, Mayor Agnos, the Full Board of Supervisors and other public agencies.
- Report: *"Public Comment, MTC's Regional Transportation Plan (RTP) Draft EIR,"* June 14, 1991, 14 pages. Documents that ABAG and MTC land use and transportation proposals are fatally flawed. The MTC has not responded to this report in writing as required by CEQA. However, the MTC has recently acted to increase the priority of transit elements within their RTP.

#### UNDERLYING POLITICAL AGENDA

The Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC), in consensus with senior elected officials representing Bay Area cities have developed population projections and extensive land use and transportation plans for the Bay Area. **The process by which these activities have been achieved are contrary to law and thus the content of subject EIR as well as related previous EIRs must be redone and reissued for public comment.**

- The plans, projects, and projections developed by the above entities are *based solely on political expediency, and NOT technical, environmental or socio-economic reality.*
- The membership of these entities consist of *entrenched elected officials who act only to guarantee their own future, Not the future of the people who pay their wages.*
- Due Process has been reduced to a process where political consensus within these entities is achieved by creating or expanding bureaucratic departments and agencies whose procedures are designed to usurp, bury or obfuscate the content of public testimony while at the same time reducing public participation to zero. This goal is achieved by frustrating, wearing down or otherwise exhausting the time and limited resources of the individual participants during a gauntlet of public hearings. The physical means of this process include studies, taskforces, Environmental Impact Reports, Citizen Advisory Committees, commissions, et al. Meaningful public comment is precluded by a policy where approximately three minutes is allotted to each speaker. However, individuals are allowed to make lengthy presentations if they speak or present testimony in support of the project.
- Upon achieving political consensus, the entrenched officials proceed to adopt a resolution or other formal "certification" document with an appropriate level of news coverage performed after the fact. This is followed by waiting for the expiration of judication dates. Finally, they go on about the business of implementing their (or a joint-venture partner's) large-scale plans and projects that are designed to transfer enormous public resources and tax money to the benefit of selected private entities in exchange for social-service, regulations enforcement, environmental or other related programs that carry the force of law because they were created by legislative act, adjudication, ordinance, or decree at the local, regional, state or federal level. The public and private employees

C11-4

created by the projects and the related programs, in turn, consistently vote to keep the entrenched elected officials in office in order to ensure continuance of their jobs.

- This process is not Capitalism or American Due Process. This process is recognized throughout the world as Socialism, Communism, or the practices of corrupt third world regimes. Employing this process is contrary to law and the Oath of Office sworn by every elected public official prior to taking office.

A more useful approach within the tenet of American Democracy would be the placing of the tasks and decisions that lie before us into the light of day and restore Constitutional Due Process. It is going to take a kind of "marriage" between Small Business, Big Business and local Government to ensure the health and well-being of the Bay Area. The success of our region depends on this marriage, and planning for the "wedding" must start immediately.

C11-5

#### GOVERNMENTAL INTERVENTION

The large-scale transportation and land use projects developed under the above process by ABAG and the MTC in consensus with the elected officials in cities within the nine Bay Area counties are known to be in conflict with the BAAQMD's environmental regulations.

It is my position that the members of ABAG, the MTC and others have acted to merge ABAG, MTC and BAAQMD into a "regional" superagency called the "Bay Vision 2020 Commission" in order to circumvent BAAQMD's and other environmental regulations.

Moreover, it is my position that the political intent underlying the formation of the new Commission is clear and implementing "Regional Government" is not the answer.

Careful review of the Bay Vision 2020 proposal discloses that both its members and supporters promote high-density commercial and housing development of industrial space and "exotic" transportation systems to support the "forced" movement of commuters from where they live to where they work. Furthermore, the Bay Vision 2020 proposal is merely a political means for preventing the derailment of ABAG's and MTC's high-density development plans by absorbing the legal power being exercised by the Bay Area Air Quality Board. In other words Creating the Bay Vision 2020 commission will relegate the project review and legal enforcement capacity of the BAAQMD to being merely a departmental function and thus, the environmental difficulties with the proposed plans and projects can be put off, ignored or otherwise suppressed by the executive committee of the BayVision 2020 Commission.

It is important to note that Senator Boatright's bill establishing the creation of County Transportation Authorities and the ability to impose county Sales Tax increases essentially removes the Regional Planning responsibilities from the purview of the MTC. Furthermore, this bill allows local agencies to both develop and fund projects outside of the purview of the MTC. My "Presentation of SBDC Alternatives to Embarcadero Plaza Citizen Advisory Committee," report demonstrates just how far out of line an un-audited local agency can travel in its quest for power and encumbrancy.

These bills and the impact on subject EIRs must be formally reviewed because of the socio-economic impacts (high taxes, loss of skilled jobs and deteriorating environment that are being formalized - impacts which I have documented will ultimately displace the Small Business/Middle Class Community.

C11-6

#### SUMMARY OF IMPACT FINDINGS

MTC's RTP EIR states on page Page 16.1 that "*No regionally significant adverse impacts would occur.*" How can this be stated when a sentence in the same paragraph says ". . . *however, the 1990 level of mobility is not maintained.*"

There is no question that increasing density per acre brings with it greater demand for water,



electricity and natural resources and that this higher density will increase vehicle density resulting in a degradation of air quality too because pollutants volume is higher, particularly in the speed ranges projected.

My report "*Summary and Analysis of MTC's Bay Area Travel Forecasts (Models)*" demonstrates that "*Factors, Phenomena, and Assumptions have been Suppressed in past and present EIRs, public meetings, and the Media.*" This report discloses, among other findings that MTC knows that the percentage of transit ridership is expected to decline in the years to come, and that reliance on automobiles will increase - and in some counties substantially.

In sum, the EIRs that have preceded this EIR essentially communicates that "everything defined by the MTC is fine, nothing negative is going to happen and life will be rosy." This EIR, however, communicates that significant environmental and social-economic problems do exist and that Bay Area business are being forced to spend a minimum of \$150 million per year in an attempt to mitigate problems that can only get worse.

So much for the integrity and validity of EIR's. Again, it is my position that the process that created both this EIR and the previous EIRs must be redefined. I believe that my proposed "*Public Hearing Policy*," will achieve re-establishment of Due Process such that the product of future EIRs will be both accurate and meaningful - and reflect the interest of Bay Area residents.

C11-7

C11-8

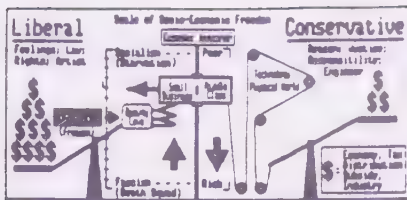
Very truly yours,

  
Dehnert C. Queen  
Founder and CEO

DCQlj

Enc.: Report: "*Summary and Analysis of MTC's Bay Area Travel Forecasts (Models)*," July 14, 1991, 14 pages.  
Report: "*Public Comment, MTC's Regional Transportation Plan (RTP) Draft EIR*," June 14, 1991, 14 pages.  
Study: "*San Francisco Public Hearing Policy*," August, 1990, 1 page

Note: Under CEQA, it is the responsibility of the Lead Agency (BAAQMD) to acquire the reports referenced herein from "other agencies" including the MTC, the City and County of San Francisco, etc. However, should difficulties arise in doing so for any reason, please do not hesitate to contact me at (415) 433-7497 for copies.



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mtc-emp13

July 14, 1991

# SUMMARY AND ANALYSIS OF HOW MTC's Bay Area Travel Forecasts (Models)

Data Source: MTC Congestion Management Program - Databook #1: Regional Summary - March, 1991, 113 Pages

## Promulgate City, County and Regional EIR'S Resulting In Factors, Phenomena, and Assumptions That Are Suppressed In EIR's, Public Meetings and the Media GENERAL COMMENTS

MTC's studies and reports do not include the large and growing number of major (high-density) development projects that are authorized, under construction, or soon to be authorized and constructed in the counties within the Bay Area.

The negative impact of these development projects upon both transportation planning and the Bay Area's socio-economic "environment" is substantial. Nevertheless, they remain un-addressed as of today's date in official documents released to the general public - including the "Regional Transportation Plan (RTP)" currently undergoing an Environmental Impact Report (EIR) evaluation prepared by the MTC. On June 14, 1991 (the EIR closing date established by the MTC), I delivered "comments" to be addressed in the Final RTP/EIR document. Major issues raised include:

- **IRREVERSIBLE ECONOMIC COMMITMENT:** According to the RTP/EIR, the Bay Area's Regional Transportation Plan (the "Project") [quote] *"requires an irreversible commitment of financial resources to the development of the Project elements . . ."* Furthermore, *"the Project requires an irreversible commitment to satisfying mobility needs primarily through automobile accessibility."* In short, the Project defined in the RTP/EIR establishes that Bay Area transportation requirements are programmed to be solved with an expected increase in the density of automobiles in already high traffic areas - and once the Project is underway, it is irreversible. What happened to the "transit first" policy and the strict requirements codified in the Clean Air Act? Is not the RTP/EIR fatally flawed?
- **TIME PERIOD OF THE 'PROJECT':** A major reason the time period of 20 years was embraced in the RTP/EIR is the fact that the major transit extensions that have been planned - BART to the SFO airport, et al - will take a minimum of eleven (11) years to complete.
- **LAW INTERPRETATION:** Governmental bodies have established the interpretation of state and federal EIR and EIS statutes and guidelines where socio-economic and financial impacts are not addressed as legitimate project issues. Generally speaking, the cost of the total project, definition of its elements, funding sources, construction considerations, or the socio-economic impacts relative to redefined land use, the displacement of residents and companies, the displacement/replacement of job categories (skill levels, wages), increased density, and transportation elements including ALL transportation alternatives and many other factors are presented in a very cursory and generally unclear manner or not addressed at all. More specifically, only the preferred alternative developed by the MTC (Lead Agency) is presented in its EIR as the "Project." All other alternatives have been subject to censure, and thereby unavailable for public comment. This practice and policy adopted by governmental bodies constitutes a serious fatal flaw because the return on investment of public funds, to whom, in what amounts, and in what period of time is of paramount importance to the taxpayer - in terms of both "value" and the impact on the cost of living.



- **IMPACT ON PRIVATE CAPITAL INVESTMENT:** A series of SBDC reports delivered to governmental bodies demonstrate that the proposed Mission Bay Project and the associated publicly-funded infrastructure projects (Embarcadero Roadway/Muni Metro extension, et al) will result in substantial devaluation of San Francisco's existing Downtown Area by a factor ranging from 25% to 50% depending upon the speed the proposed projects are implemented, cost overruns, funding commitments, et al.
- **LAND USE CHANGES:** San Francisco official policy is to convert industrial space, particularly waterfront space to high-density commercial space and/or high-density in-fill housing (generally built by non-profit housing developers closely connected to City Hall). Doing so, particularly in the case of housing construction, forever precludes future expansion of ocean (marine) commerce and related activities. This policy causes the replacement of well-paid skilled jobs with minimum-wage unskilled jobs resulting in public deficits in the form of unrealized housing subsidies currently valued at \$152.5 million. (See Presentation to "Embarcadero Plaza Citizen Advisory Committee" document, March 26, 1991).
- **OCEAN (MARINE) COMMERCE:** Local government's lack of policy and "political will" in support of Ocean (Marine) Commerce and related Public Trust Use of Land activities (ship repair, fisheries, et al) has resulted in a series of activities being undertaken to re-zone waterfront property and adjacent areas as non-industrial areas. Doing so has ignored the natural resource defined as the "natural deep-water channel that runs the length of San Francisco's waterfront." San Francisco Bay is considered one, if not the best, deep-water port in the world. There are countries that have started wars to gain access to a deep-water port. Nevertheless, San Francisco's elected officials are acting to abandon the Public Trust and turning Port land over to outside parties who have no interest in ocean commerce or industrial activities whatsoever. Moreover, political lip service given to the contrary of the real position is indefensible because a city's Port cannot survive or expand without modern facilities, adequate backland area, and efficient rail and truck freight services.
- **TOURISM/RETAIL:** SBDC's previous reports show that tourism (food service, retail, etc) essentially generates minimum-wage jobs which then creates demands on taxpayers to provide public subsidies in the form of housing, health services, et cetera. San Francisco and the Bay Area must make best use of its industrial and waterfront properties because converting them to retail, housing and commercial use is essentially cutting our own throats.
- **CALTRAIN'S SURVIVAL:** Local officials have for many years pursued a plan to relocate the CalTrain Terminus currently located at 4th and Townsend streets to a new location at 7th and Channel streets in support of the Mission Bay project. However, the resulting increase in distance to Downtown would unquestionably result in killing CalTrain operations. Fortunately, my efforts and my letter to James Morales, President of the Planning Commission dated June 19, 1990, (with supporting letters and reports detailing more than 30 fatal flaws), resulted in the City quietly abandoning its plans to relocate the CalTrain Terminus to 7th and Channel streets thereby saving taxpayers approximately \$135 million. Unfortunately, San Francisco, San Mateo and Santa Clara officials have continued their own agendas administratively regarding the replacement of CalTrain with Muni Metro or BART. (See Presentation to "Embarcadero Plaza Citizen Advisory Committee" document, March 26, 1991).
- **INTERNATIONAL TRADE:** It is my position that local officials are using the ploy of developing mayor projects under the guise of non-existent public benefits to allow rezoning of waterfront and industrial land in order to circumvent federal law regarding ocean commerce and the abandonment of rail freight services. Doing so is indefensible considering the fact that many experts including consultants to MTC have indicated that international trade, particularly in ocean commerce, will quadruple. It has long been my argument that pursuing ocean commerce and freight transportation will create well-paying jobs for substantial numbers of Bay Area residents. The "best use" of land must be protected and fully addressed in the RTP/EIR.
- **CREATING COMMUTERS:** SEDC's previous reports substantiate the fact that San Francisco's socio-economic problems are the direct result of flawed local policy regarding construction and density of commercial space and the all but nil construction of housing. Moreover, this construction imbalance

created an artificial and expanding demand for housing which has resulted in escalating housing prices in terms of rent and purchase cost. This in turn has forced more and more people to commute greater and greater distances. It is important to note that San Francisco has the highest "commute in" percentage of Home Based Work Trips in the Bay Area per Table 15.5, and according to SBDC reports, the poorest plans for improving transit capacity. These aspects must be fully addressed and included in the Final RTP/EIR document.

- **REDEVELOPMENT vs REVITALIZATION:** The issue arises whether the "fostering of growth" shall be in terms of new use or the revitalization of existing use. The impact on local land owners/companies between the two options is substantial: In the former, the value of public expenditures accrues to large developers and the existing small business owners, companies and their skilled employees are displaced. In the latter, the value of public expenditures accrues to existing (local) owners, companies and skilled employees. The issue of converting project areas to high-density use or, alternatively, improving the streets, sidewalks, public fixtures, furniture, etcetera must be addressed. Growth, in and of itself is not necessarily "good." Cancer provides an example: Its growth consumes and displaces normal functions. However, growth in terms of an arm's strength is good; it facilitates eating, mobility, et al. In short, the depth and breadth of the EIR, socio-economic factors, costs, value returned and to whom determines whether growth will be a "cancer" or an "arm." The only way to tell is to establish criteria, milestones, etc in order to evaluate what is growing - and if the growth is "bad," stop it before the host dies.
- **INFRASTRUCTURE IMPROVEMENTS:** Government generally assumes the position - by practice, policy or law - that it is the local government's roll to provide publicly-funded infrastructure improvements required by development projects. In short, developers set the course and government shovels the coal to drive the engine. The RTP EIR and all EIRs must formally analyze both the direction being taken and the amount of coal required to drive the engine as well as measure if the output of the engine is sufficient to carry the load.
- **GOVERNMENTAL MYOPIA:** ABAG unquestionably supports and promotes the "general plan" to establish certain areas of the Bay Area as "work" areas, others as "living" areas, and others as "this and that use" and then connect all the areas with new transit and highway projects. This position undoubtedly explains why MTC Commissioners consistently vote to prevent private development and ownership of rail and bus transportation systems. It is this self-serving myopia that has precipitated an attitude, policy and supporting laws where selected developers can do what they want . . . government will grow to provide the infrastructure . . . and the taxpayer is forced one way or another to pay for it all. . . even if its a fiscal white elephant. If small business gets in the way, tough. This is why New York and the nation's major cities are in serious trouble.
- **BASIS OF DECISIONS PROMULGATED IN EIRs:** It is impossible for the general public to be able to evaluate current EIRs and other official studies because the "projections" are stated as fact while the data, methodologies and assumptions inherent of the computer models used to develop the "projections" are omitted. The following section demonstrates that IMPORTANT data (tables) generated by the models is OBSCURED AND EVEN DELETED IN THE EIR'S DELIVERED TO THE PUBLIC FOR REVIEW.



# ANALYSIS OF MTC'S FORECASTS USED IN THE RTP EIR

## GENERAL COMMENTS

It is very important to understand that all "year 2000" figures presented in the EIR tables shown below assume that the proposed and extensive upgrades to existing transit service levels have been built and are operating by the year 2000. These projects include proposed extensions of BART, CalTrain, Muni Metro, and AMTRAK, and well as AC Transit, ferry service, and feeder bus service.

- Muni assumes Metro extensions to be extended from Market Street to the Mission Bay project area by the year 2000.
- BART assumes new stations at Colma, Irvington, Warm Springs, North Concord, West Pittsburg, Castro Valley, Dublin, and San Francisco Airport, et al are to be in place by year 2000. This will bring BART stations to 41 from 34 stations. It is also assumed that BART's current headways of 3.75 minute will be reduced to 2.25 minute by the year 2000. p 13
- Caltrain assumes a new station] at 2nd and Market which is a very recent event in that the City of San Francisco, the MTC and the Joint Powers Board have long insisted on extending CalTrain to the Howard Street side of the Transbay (bus) Terminal. Additional extensions include service south from the existing Tamien (Alma) Station in San Jose to Gilroy. Service would increase from 52 to 114 trains by year 2000.
- Amtrak is assumed to be serving San Jose with 20 trains per day by year 2000.
- Auto ownership is "forecasted" (i.e., generated by the program model) and not based on external (exogenous) empirical data. Work trip vehicle occupancies are also forecasted and not exogenous. Non-work vehicle occupancies are pre-assumed, ie a "factor" is used rather than developed empirically.

## COMMENTS ON MODEL'S ASSUMPTIONS

Author's comments and clarifications are in [brackets]

MTC's travel demand models are an adaptation of the standard "four step" modeling process - trip generation, trip distribution, mode choice, and trip assignment. These travel demand models are mathematically structured as multiple regression models, trip rate models, gravity models, and logit models.

[Moreover, these models assume that] HOW people get to work. . . influences WHERE people go to work. . . which in turn influences how many AUTOS are needed in the household. p3

The model program employs a feedback logic that operates in an iterative fashion such that the output of the traffic assignment (congested travel times) are fed back into the work trip mode choice model; this cycle is continued, until the input congested travel times are reasonably consistent with the output travel times.

[MTC states that] "this iterative application of mode choice models and traffic assignment models is apparently NOT common practice in U.S. metropolitan areas." [MTC also states that] "The MTC approach is rather sophisticated though time consuming." [To my knowledge it is unknown if the methodology has been accepted as "accurate and reliable" by the general scientific community.]

FHWA and UMTA ceased support and upgrading of its Urban Transportation Planning System (UTPS) programs after 1986. MTC uses this 1986 version.

[It is assumed that the maximum walking distance to a transit stop] is 0.5 mile at 3 mph [and that a total of] 3-5 minutes [is required] to find a parking spot and [arrive via walking at the] station platform.

Transit assignment (loading) traditionally focuses on the standard all-or-nothing transit loading algorithms. MTC methodology takes advantage of the auto ownership transit trip table stratification made available from the travel demand forecast programs: Group "#cars=0" (household has no auto) is "walk-access-only transit" households (with auto-access-to-transit connections disabled). "#cars=1" and "#cars=2+" (households possessing 1 or more than 1 auto respectively) employs an assignment process which splits the riders [having] "choice"

[#cars>0] into those riders who may LOGICALLY take auto access to transit and those riders who SHOULD take walk access to transit. [It appears that the model ignores those people WHO CAN'T WALK - i.e., because of the LOAD BEING CARRIED, AGE, DISABILITY, ET AL. Furthermore, I'll bet the model assumes that if one has an auto, the owner drives rather than walk to work or use transit!]

MTC's software uses "equilibrium assignment". . . the preferred peak hour assignment methodology . . . where a highway user's travel impedance is MINIMIZED, such that the highway user cannot reduce his/her travel time by taking a different path. [It would appear that traffic slowdown and gridlock is ignored.]

UMTA/MTC's methodology initially uses a all-or-nothing iteration of CATS=20, followed by four all-or-nothing iterations of [unknown] iteration parameter value. The error for regional highway models is typically 5%. p6.

MTC's year 2000 forecasting methodology is an "equilibration" process (as distinct from equilibrium assignment) where congested highway travel times (from a previous highway assignment) and transit times (MADE CONSISTENT WITH HIGHWAY TIMES) are "recycled" back into the work mode choice process. In other words, initial attempts are made at estimating future congested level-of-service (times and costs). Network level-of-service information is input into the mode choice process; trip tables by mode are converted into daily and peak vehicle trips; vehicle trips are assigned or "loaded" using standard capacity restraint highway assignment techniques; the cycle begins again as new levels-of-service files are prepared based on the loaded highway network; and new, perhaps final, traffic and transit assignments are prepared. This process is reiterated until an equilibrium is reached and the INPUT SPEEDS AND TIMES ARE REASONABLY CONSISTENT WITH THE OUTPUT SPEEDS AND TIMES. p7

Reasonableness checks are limited by time and money. [The tables presented in the MTC's report and thereby my summary, is a product of the fact that] the reasonableness checks were completed in two months including Network development that was started and completed in January, 1991; travel demand forecasts were prepared during the month of February, 1991. The MTC's YEAR 2000 FORECASTS ARE ESSENTIALLY SYSTEMS-LEVEL FORECASTS, WHICH BEAR RELATIVELY LESS REVIEW THAN PROJECT-LEVEL FORECASTS. [I.e. the integrity/accuracy is suspect because not much time was allocated for reasonableness checks, and thus, quote] a FINAL REVIEW OF THE FORECASTS WILL BE NECESSARY AFTER MORE DETAILED REVIEW. [which] COULD NECESSITATE RE-RUNNING SOME OR ALL OF THE TRAVEL DEMAND MODELS. p 9

MTC's year 2000 travel forecasts are based on demographic / economic / land use forecasts PROVIDED BY ABAG [the Association of Bay Area Governments] FROM THEIR "PROJECTIONS '90 SERIES". ABAG updates their FORECAST SERIES every two to three years, based on UPDATED LOCAL POLICY surveys and revised national, state, and regional databases and forecasting ASSUMPTIONS, [i.e., subject to POLITICAL INFLUENCE.]

ABAG is predicting a 20.0% growth in regional households between 1987 and 2000 (2162 thousand to 2595 thousand); a 16.2 % growth in regional population in households (5.542 to 6.442 thousand); a 21.0% growth in regional employed residents (3.001 to 3.659 thousand); and a 24.6% growth in regional total employment (2.935 to 3.659 thousand). The percent changes are related in later sections to increase in auto ownership, trip generation, and trips by different travel modes. [In other words, the projected increases in households, et al is ASSUMED to increase auto ownership, et al. In the real world there are drop-dead points where people simply cannot afford vehicles compared to housing, food, etc. It is even more interesting to note that the new major development projects have little or no parking spaces.]

Peak and off-peak transit fares assume transit operators 1987 fare structure updated to keep pace with inflation [at 4%? Fares are also subject to union negotiations.]

MTC assumes that parking charges will increase in real dollar terms [not in inflation terms?] by 1.0% to 2.0% per year. [1.0% vs 4.0% is nowhere close to inflation! SAN FRANCISCO'S PROPOSED INCREASE ON PARKING RATES IS SUBSTANTIALLY MORE THAN 4%!]



Bridge tolls will keep pace with inflation. [Another inaccurate assumption. Legislative action is underway to increase bridge tolls from \$1 TO \$2, and soon \$5.]

Gas will be at \$1.69/gal by 2000 in 1991 dollars.

Peak hour vehicle trips are generated from highway peaking factors used to convert daily vehicle trips [which are themselves generated]. These peak hour trips are then assigned (loaded) onto the regional computer highway network to determine peak hour congestion and current peaking factors by trip purpose and travel mode. Different peaking factors are required for work versus non-work trips, as well as for drive alone versus carpool work trips.

[The bottom line:] Zero-auto households decline from 12.3% of all households in 1980 to 10.9% of all households in 1987 and will decline to 8.3% by year 2000. [The zero-auto group is essentially "captive" to public transportation, walk, bicycle, and carpool passenger modes of travel.]

The plurality of zero households are in San Francisco County. [i.e., the excess of households in SF over the nearest rival county.] Over a third of SF households in 1980 did not own an automobile, but will decline to 27% by year 2000.

On a regional level MTC is predicting an absolute decline in the number of zero auto households, dropping from nearly 243,000 households in 1980 to just over 216,000 by year 2000, an 11% drop in the number of "transit captive" households. However, SF, though lowest in terms of autos owned per household, is highest in the region in auto ownership density. By year 2000 there will be about 693 auto per square mile in the region and over 8300 autos per square mile in SF.

Person trip - a one-way movement of a person for a specific purpose as either a vehicle driver, passenger or transit passenger. MTC differentiates between person trips and total trips, where bicycle and walk trips are included in total trips but not in person trips. [In San Francisco, this is probably a serious error.]

Work trips comprise about one quarter of all travel and is expected to remain stable over the next decade (to year 2000). Non-home and home based shopping trips also comprise about one quarter of all travel, though faster growth in non-home-based trips is expected to increase to about 29.0% of all trips by year 2000. [If this is true, then it is clear that MTC should launched a major campaign to encourage the "non-work" category to "Please stay off the road during commute hours so that working people can get home sooner, save gas, improve the environment and generally live a happier life."]

Table 1 - Residents, Employed Residents, Households, Vehicles, Density

County	Year	Total Residents (Proj '87) (Proj '90)	Percent Increase of Residents	Total Employed Residents	Percent of Residents Employed	Total Number House- Holds	Total Jobs (Proj '87) (Proj '90)	Number Residents Per HH	Employed Residents Per HH	Number Vehicles Per HH	Total Acres	Residents Per Acre
San Francisco	1980	678,974	n/a	347,091	51.1%	298,956	552,200	2.271	1.161	1.014	31,168	21.784
	1987	728,902	7.4%	394,348	54.1%	310,240	567,251	2.349	1.271	1.086	31,168	23.386
	2000	767,900	5.4%	413,695	53.9%	328,305	641,430	2.339	1.260	1.238	31,168	24.637
San Mateo	1980	587,329	n/a	314,242	53.5%	225,201	259,794	2.608	1.395	1.817	297,623	1.973
	1987	615,513	4.8%	341,987	55.6%	237,918	295,946	2.587	1.437	1.886	297,623	2.068
	2000	675,596	9.8%	385,902	57.1%	267,323	361,081	2.527	1.444	2.045	297,623	2.270
Santa Clara	1980	1,295,071	n/a	666,508	51.5%	458,519	698,733	2.824	1.454	1.903	854,189	1.516
	1987	1,418,736	9.5%	780,943	55.0%	503,881	852,842	2.816	1.550	1.992	854,189	1.661
	2000	1,614,558	13.8%	925,302	57.3%	596,652	1,025,209	2.706	1.551	2.128	854,189	1.890

Table 1 Supplement - Household Distribution, Vehicles, Centerline Miles

County	Year	Household Distrib. Qty, #cars=0	Household Distrib. Qty, #cars=1	Household Distrib. Qty, #cars=2+	Household Distrib. Percent, #cars=0	Household Distrib. Percent, #cars=1	Household Distrib. Percent, #cars=2+	Total Vehicles	Total Sq.Miles	Center- line Miles 1987
San Francisco	1980	102,840	127,037	69,080	34.4%	42.5%	23.1%	303,191	48.7	892.6
	1987	100,648	130,096	79,486	32.4%	41.9%	25.1%	336,760	48.7	892.6
	2000	90,435	135,620	102,249	27.5%	41.3%	31.1%	406,580	48.7	892.6
San Mateo	1980	15,361	81,209	128,595	6.8%	36.1%	57.1%	409,126	465.0	2,008.4
	1987	14,031	83,432	140,445	5.9%	35.1%	59.0%	448,589	465.0	2,008.4
	2000	11,219	79,925	176,173	4.2%	29.9%	65.9%	546,783	465.0	2,008.4
Santa Clara	1980	26,411	147,858	284,247	5.8%	32.2%	62.0%	872,688	1,334.7	4,479.0
	1987	24,433	151,676	327,762	4.8%	30.1%	65.0%	1,003,857	1,334.7	4,479.0
	2000	19,857	156,788	420,004	3.3%	26.3%	70.4%	1,269,799	1,334.7	4,479.0

## IMPORTANT POINTS:

San Francisco's number of RESIDENTS has risen since 1980, but the percent of rise started to decline in 1987. The same phenomenon is true for EMPLOYED RESIDENTS, NUMBER OF RESIDENTS PER HOUSEHOLD, and EMPLOYED RESIDENTS PER HOUSEHOLD.

Previous reports of the SBDC substantiate the fact that it is the actions of the Mayor's Office, the Planning Commission, the Board of Supervisors, and additional local agencies over the course of the past two decades that is responsible for the high cost of housing and the high cost of living that began in the 1960's. It is these factors, and the change (loss) in skilled, high-paid jobs to that of unskilled, minimum-wage jobs, that accounts for the decrease in residents and employed residents since 1987.

San Francisco's housing density is by far the highest in the Bay Area - about 20 residents per acre compared to about 2 residents per acre elsewhere in the Bay Area. City Hall's current plans will substantially increase this density factor in the immediate future, particularly along San Francisco's waterfront areas.

A SBDC report published in June, 1990 and substantiated by the Planning Department in July, 1990 shows that San Francisco's cost of living will rise by more than \$282 per month per every man, woman and child living in San Francisco within about three years, i.e., by 1993 - if the City's planned projects are allowed to continue as scheduled - starting in October, 1991.

San Mateo and Santa Clara population, household, job and vehicle figures continue to rise substantially in every category except NUMBER OF RESIDENTS PER HOUSEHOLD.

It is important to note that MTC's plans, (achieved through consensus with Bay Area City Governments), call for substantially increasing expenditures approaching \$8 billion for transit extensions that will be used by



increasingly fewer residents because transit-oriented residents (category #cars=0) is falling while vehicle-oriented residents (categories #cars=1 and #cars=2+) is rising. In San Francisco, about 30% of households will remain "transit-oriented" (ie, no auto) by the year 2000. However, San Mateo's and Santa Clara's "transit-oriented" households will decline from about 6% to less than 4% by year 2000 - while auto ownership increases to as high as 70%.

Moreover, previous SBDC reports provided to Bay Area government agencies and elected officials have repeatedly demonstrated that the MTC's "preferred transportation alternatives" will, in fact become obsolete (at capacity) about the time they are completed, i.e., year 2000. A SBDC report published in March, 1991 documents the fact, using official MTC and San Francisco data, that Peninsula Governments will waste more than \$2.7 billion alone for BART, Muni Metro, and CalTrain extensions.

The MTC, local elected officials and the media have ignored these reports and/or have deleted them from official studies (state EIR's, federal EIS's), minutes of public hearings, newspaper articles, etc.

IN SUM, WHY ARE TAXPAYERS BEING 'FORCED' TO SPEND \$8 BILLION TO CREATE HIGHER DENSITY AND GREATER VEHICULAR GRIDLOCK? ANSWER: SO CITY GOVERNMENTS AND THE MTC CAN KEEP BUSY SPENDING ANOTHER \$8 BILLION TO TEAR DOWN THE NEW FREEWAYS AND PUT IN TRANSIT - A SITUATION SIMILAR TO THE CURRENT FIASCO IN LOS ANGELES!

Table 2 - Percent of Workers Who Work in County of Residence

County	1960	1970	1980	1987	1997	2000	2010
San Francisco	93.1%	88.3%	84.4%	79.6%	81.1%	81.1%	81.1%
San Mateo	56.3%	57.7%	58.2%	57.6%	59.7%	61.3%	61.2%
Santa Clara	89.2%	88.1%	92.5%	92.0%	93.8%	92.0%	92.2%
Region	82.0%	76.7%	76.2%	74.5%	75.9%	75.8%	75.9%

Table 3 - Bay Area County-to-County Commute Patterns 1960 to 1990

(Quantity and Percentage Distributions)

(Horiz = County of Work Destination / Vert = County of Residence)

County	Year	S.F.	S.M.	S.C.	All Other	Qty Total	S.F.%	S.M.%	S.C.%	All Other%	Percent Total%
San Francisco	1960	322,000	12,000	1,000	11,000	346,000	93.1%	3.5%	0.3%	3.2%	100.0%
	1970	283,184	18,349	2,972	13,281	317,786	89.1%	5.8%	0.9%	4.2%	100.0%
	1980	284,297	21,443	3,721	24,301	333,762	85.2%	6.4%	1.1%	7.3%	100.0%
	1990	318,797	28,368	5,566	32,478	385,209	82.8%	7.4%	1.4%	8.4%	100.0%
San Mateo	1960	59,000	99,000	14,000	4,000	176,000	33.5%	56.3%	8.0%	2.3%	100.0%
	1970	67,723	139,653	20,933	6,955	235,264	28.8%	59.4%	8.9%	3.0%	100.0%
	1980	78,706	180,143	33,853	10,956	303,658	25.9%	59.3%	11.1%	3.6%	100.0%
	1990	77,935	210,448	44,718	12,808	345,909	22.5%	60.8%	12.9%	3.7%	100.0%
Santa Clara	1960	7,000	13,000	207,000	5,000	232,000	3.0%	5.6%	89.2%	2.2%	100.0%
	1970	9,052	28,060	354,028	12,684	403,824	2.2%	6.9%	87.7%	3.1%	100.0%
	1980	7,438	27,676	597,764	18,480	651,358	1.1%	4.2%	91.8%	2.8%	100.0%
	1990	6,879	30,197	737,470	21,262	795,808	0.9%	3.8%	92.7%	2.7%	100.0%
All Other Counties	1960	56,000	3,000	4,000	614,000	677,000	8.3%	0.4%	0.6%	90.7%	100.0%
	1970	92,238	17,220	13,438	746,014	868,910	10.6%	2.0%	1.5%	85.9%	100.0%
	1980	140,547	25,101	47,455	1,011,366	1,224,469	11.5%	2.0%	3.9%	82.6%	100.0%
	1990	146,231	31,285	64,600	1,336,204	1,578,320	9.3%	2.0%	4.1%	84.7%	100.0%
Total	1960	444,000	127,000	226,000	634,000	1,431,000	31.0%	8.9%	15.8%	44.3%	100.0%
	1970	452,197	203,282	391,371	778,934	1,825,784	24.8%	11.1%	21.4%	42.7%	100.0%
	1980	510,988	254,363	682,793	1,065,103	2,513,247	20.3%	10.1%	27.2%	42.4%	100.0%
	1990	549,842	300,298	852,354	1,402,752	3,105,246	17.7%	9.7%	27.4%	45.2%	100.0%

## IMPORTANT POINTS:

Table 2 and Table 3 clearly demonstrates that there is something seriously wrong with both MTC's transportation plans and local city government's policies and practices:

In San Francisco, about 93% of its residents worked in the City in 1960, but by the year 2000 only about 81% will do so. This creates increased "in commuters" - and less room for residents on bus and rail systems - the majority of which are already running at capacity.

In San Mateo the number of residents working in San Mateo will increase from about 56% in 1960 to about 61% in year 2000. However, this STILL leaves about 40% of the county's workers who are "out commuters" - with about 24% commuting to San Francisco, about 11% commuting to Santa Clara, and the next highest group of about 3% commuting to Alameda County by the year 2000. Waiting ELEVEN years for BART to finally reach the vicinity of SFO Airport is ridiculous - particularly when the SBDC's fully defined and PRIVATELY-FUNDED Transit Link System (CalTrain element) can be built in about three years, provide DIRECT rail service to SFO Airport, Downtown San Francisco at the Ferry Building and Peninsula Cities - at a cost \$27 billion dollars LESS than current official plans.

In Santa Clara the number of residents working in Santa Clara will increase from about 89% in 1960 to about 92% in year 2000. However, it should be remembered that Santa Clara is a LARGE county and that ONLY CalTrain cars have the CAPACITY to move the 1.3 million person trips within the County, as well as transport commuters to San Mateo, San Francisco and South to the Gilroy area WITHOUT STANDING ROOM

CONDITIONS. Muni Metro or Light Rail equipment simply does not have the CAPACITY and BART will be at least 15 years under construction before it arrives in Santa Clara County. Again, the SBDC's fully defined and PRIVATELY-FUNDED Transit Link System (CalTrain element) can be built in about three years, provide DIRECT rail service to SFO Airport, Downtown San Francisco at the Ferry Building and Peninsula Cities - at a cost \$27 billion dollars LESS than current official plans.

And finally, Phase II of the Transit Link System provides rail service to the East Bay, Stockton, Sacramento and Points East via a parallel Dumbarton bridge right-of-way - for a fraction of what it is expected to cost to extend BART any further than Colma!

Table 4a - Year 1987 &amp; 2000 Average Weekday Transit Boardings &amp; Passenger Miles of Travel

County	Year	Work Boardings	Non Work Boardings	Total Boardings	Percent Work Boardings	Passenger Miles Work	Passenger Miles Non-Work	Passenger Miles Total	Avg.Trip Miles %Work	Avg.Trip Miles %Non-Work	Avg.Trip Miles %Total	Comment
SF Muni	1987	277,860	463,014	740,874	37.5%	587,265	738,670	1,325,935	2.11	1.60	1.79	See CalTrain
	2000	281,550	559,878	841,428	33.5%	568,495	835,542	1,404,037	2.02	1.49	1.67	
AC Transit	1987	73,887	152,371	226,258	32.7%	321,746	394,577	716,323	4.35	2.59	3.17	
	2000	65,452	173,305	238,757	27.4%	179,131	363,659	542,790	2.74	2.10	2.27	
BART	1987	124,367	71,150	195,517	63.6%	1,637,437	622,919	2,260,356	13.17	8.76	11.56	See CalTrain
	2000	197,444	118,223	315,667	62.5%	2,740,335	987,635	3,727,970	13.88	8.35	11.81	
SCCTD	1987	43,593	72,999	116,592	37.4%	235,122	216,944	452,066	5.39	2.97	3.88	See CalTrain
	2000	60,488	91,514	152,002	39.8%	250,859	270,939	521,798	4.15	2.96	3.43	
GOBHTD	1987	20,803	16,487	37,290	55.8%	359,746	137,439	497,185	17.29	8.34	13.33	
	2000	21,104	17,549	38,653	54.6%	434,620	158,025	592,645	20.59	9.00	15.33	
SamTrans	1987	28,440	33,714	62,154	45.8%	178,591	139,573	318,164	6.28	4.14	5.12	See CalTrain
	2000	35,185	41,560	76,745	45.8%	127,640	108,900	236,540	3.63	2.62	3.08	
CalTrain	1987	14,960	3,165	18,125	82.5%	346,846	45,370	392,216	23.18	14.33	21.64	CALTRAIN
	2000	37,903	20,350	58,253	65.1%	878,618	254,276	1,132,894	23.18	12.50	19.45	
CCCTA	1987	4,560	11,934	16,494	27.6%	10,900	29,030	39,930	2.39	2.43	2.42	
	2000	7,375	14,889	22,264	33.1%	18,145	40,331	58,476	2.46	2.71	2.63	
BART Express	1987	3,990	6,012	10,002	39.9%	37,600	41,380	78,980	9.42	6.88	7.90	
	2000	2,852	4,627	7,479	38.1%	18,897	29,532	48,429	6.63	6.38	6.48	
Vallejo	1987	856	4,728	5,584	15.3%	5,248	17,073	22,321	6.13	3.61	4.00	
	2000	1,874	6,958	8,832	21.2%	9,539	24,069	33,608	5.09	3.46	3.81	
Sonoma Co.	1987	951	1,704	2,655	35.8%	9,339	11,912	21,251	9.82	6.99	8.00	
	2000	2,369	2,075	4,444	53.3%	23,576	21,573	45,149	9.95	10.40	10.16	
Santa Rosa	1987	929	3,452	4,381	21.2%	2,860	9,776	12,636	3.08	2.83	2.88	
	2000	2,270	5,946	8,216	27.6%	5,946	12,784	18,730	2.62	2.15	2.28	
Tri-Delta	1987	256	1,656	1,912	13.4%	392	3,147	3,539	1.53	1.90	1.85	
	2000	845	2,983	3,828	22.1%	2,847	7,964	10,811	3.37	2.67	2.82	
LAVTA	1987	1,531	47	1,578	97.0%	2,704	52	2,756	1.77	1.11	1.75	
	2000	5,154	5,743	10,897	47.3%	16,606	17,637	34,243	3.22	3.07	3.14	
Westcat	1987	0	1,883	1,883	0.0%	0	3,995	3,995	??	2.12	2.12	
	2000	0	58	58	0.0%	0	64	64	??	1.10	1.10	
Napa City	1987	373	2,540	2,913	12.8%	840	6,169	7,009	2.25	2.43	2.41	
	2000	655	2,163	2,818	23.2%	3,609	5,653	9,262	5.51	2.61	3.29	
AMTRAK	1987	0	0	0	0	0	0	0	0	0	0	See CalTrain
	2000	2,286	1,268	3,554	64.3%	38,708	27,920	66,628	16.93	22.02	18.75	
Other	1987	1,759	2,619	4,378	40.2%	14,745	9,450	24,195	8.38	3.61	5.53	
	2000	3,333	13,740	17,073	19.5%	37,103	51,728	88,831	11.13	3.76	5.20	
Total	1987	599,115	849,475	1,448,590	41.4%	3,751,381	2,427,476	6,178,857	6.26	2.86	4.27	
	2000	728,139	1,082,829	1,810,968	40.2%	5,354,674	3,218,231	8,572,905	7.35	2.97	4.73	

According to the MTC's Regional Transportation Plan EIR "80 percent of vehicle hours traveled in major metropolitan areas are personal vehicle trips". [If this is true, then it is clear that MTC should launched a major campaign to encourage the "non-work" category to "Please stay off the road during commute hours so that working people can get home sooner, save gas, improve the environment and generally live a happier life."]



Table 4b - Year 1987 &amp; 2000 Average Weekday Transit Boardings &amp; Passenger Hours of Travel

County	Year	Work Boardings	Non-Work Boardings	Total Boardings	Percent Work Boardings	Passenger Hours Work	Passenger Hours Non-Work	Passenger Hours Total	Avg. Trip Minutes %Work	Avg. Trip Minutes %Non-Work	Avg. Trip Minutes %Total	Trip Average MPH	*
SF Muni	1987	277,860	463,014	740,874	37.5%	51,575	65,028	116,603	11.14	8.43	9.44	11.4	*
	2000	281,550	559,878	841,428	33.5%	51,918	79,543	131,461	11.06	8.52	9.37	10.7	
AC Transit	1987	73,887	152,371	226,258	32.7%	15,681	23,522	39,203	12.73	9.26	10.40	18.3	
	2000	65,452	173,305	238,757	27.4%	11,690	25,012	36,702	10.72	8.66	9.22	14.8	
BART	1987	124,367	71,150	195,517	63.6%	50,246	20,637	70,883	24.24	17.40	21.75	31.9	*
	2000	197,444	118,223	315,667	62.5%	82,555	32,065	114,620	25.09	16.27	21.79	32.5	
SCCTD	1987	43,593	72,999	116,592	37.4%	12,472	13,159	25,631	17.17	10.82	13.19	17.6	
	2000	60,488	91,514	152,002	39.8%	14,307	17,613	31,920	14.19	11.55	12.60	16.3	
GGBHTD	1987	20,803	16,487	37,290	55.8%	14,602	5,539	20,141	42.12	20.16	32.41	24.7	
	2000	21,104	17,549	38,653	54.6%	20,872	8,109	28,981	59.34	27.72	44.99	20.4	
SamTrans	1987	28,440	33,714	62,154	45.8%	9,243	7,341	16,584	19.50	13.06	16.01	19.2	*
	2000	35,185	41,560	76,745	45.8%	7,789	6,973	14,762	13.28	10.07	11.54	16.0	
CalTrain	1987	14,960	3,165	18,125	82.5%	9,351	1,480	10,831	37.50	28.06	35.85	36.2	**
	2000	37,903	20,350	58,253	65.1%	23,541	8,743	32,284	37.27	25.78	33.25	35.1	
CCCTA	1987	4,560	11,934	16,494	27.6%	744	1,946	2,690	9.79	9.78	9.79	14.8	
	2000	7,375	14,889	22,264	33.1%	1,192	2,665	3,857	9.70	10.74	10.39	15.2	
BART Express	1987	3,990	6,012	10,002	39.9%	1,554	1,868	3,422	23.37	18.64	20.53	23.1	*
	2000	2,852	4,627	7,479	38.1%	1,073	1,777	2,850	22.57	23.04	22.86	17.0	
Vallejo	1987	856	4,728	5,584	15.3%	264	922	1,186	18.50	11.70	12.74	18.8	
	2000	1,874	6,958	8,832	21.2%	553	1,478	2,031	17.71	12.75	13.80	16.5	
Sonoma Co.	1987	951	1,704	2,655	35.8%	372	517	889	23.47	18.20	20.09	23.9	
	2000	2,369	2,075	4,444	53.3%	1,061	975	2,036	26.87	28.19	27.49	22.2	
Santa Rosa	1987	929	3,452	4,381	21.2%	168	605	773	10.85	10.52	10.59	16.3	
	2000	2,270	5,946	8,216	27.6%	470	1,014	1,484	12.42	10.23	10.84	12.6	
Tri-Delta	1987	256	1,656	1,912	13.4%	26	209	235	6.09	7.57	7.37	15.1	
	2000	845	2,983	3,828	22.1%	177	499	676	12.57	10.04	10.60	16.0	
LAVTA	1987	1,531	47	1,578	97.0%	178	2	180	6.98	2.55	6.84	15.3	
	2000	5,154	5,743	10,897	47.3%	1,152	1,232	2,384	13.41	12.87	13.13	14.4	
Westcat	1987	0	1,883	1,883	0.0%	0	239	239	??	7.62	7.62	16.7	
	2000	0	58	58	0.0%	0	5	5	??	5.17	5.17	12.8	
Napa City	1987	373	2,540	2,913	12.8%	63	439	502	10.13	10.37	10.34	14.0	
	2000	655	2,163	2,818	23.2%	228	1,232	1,460	20.89	34.17	31.09	6.3	
AMTRAK	1987	0	0	0	0.0%	0	0	0	0.00	0.00	0.00	0.00	**
	2000	2,286	1,268	3,554	64.3%	1,025	715	1,740	26.90	33.83	29.38	38.3	
Other	1987	1,759	2,619	4,378	40.2%	601	531	1,132	20.50	12.16	15.51	21.4	
	2000	3,333	13,740	17,073	19.5%	1,743	2,800	4,543	31.38	12.23	15.97	19.6	
Total	1987	599,115	849,475	1,448,590	41.4%	167,140	143,984	311,124	16.74	10.17	12.89	19.9	
	2000	728,139	1,082,829	1,810,968	40.2%	221,346	192,450	413,796	18.24	10.66	13.71	20.7	

## IMPORTANT POINTS:

Table 4a and Table 4b demonstrate that:

Between 60% to 70% of the Bay Area's transit trips are being generated by NON-WORK riders.

CalTrain maintains the highest average trip mileage (21.64) per passenger as well as the highest average speed (36.2 mph) of ALL transit systems in the Bay Area. Only AMTRAK, a national carrier, has a higher average speed (38.3 mph).

CalTrain transports the highest percentage (82.5%) of WORK riders of all rail transit systems in the Bay Area. Only one bus system (LAVTA) has a higher percentage (97.0%).

CalTrain's average trip is 21.64 miles in 35.85 minutes or 36.2 MPH

BART's average trip is 11.56 miles in 21.75 minutes or 31.9 MPH

SamTrans' average trip is 5.12 miles in 16.01 minutes or 19.2 MPH

AC Transit's average trip is 3.17 miles in 10.40 minutes or 18.3 MPH

SCCTD's average trip is 3.88 miles in 13.19 minutes or 17.6 MPH

Muni's average trip is 1.79 miles in 9.44 minutes or 11.4 MPH

### CLOSING COMMENTS AND FINDINGS

ABAG's projections for growth in the Bay Area are "*estimated at 35 percent between 1990 and 2010.*" The projected growth must be addressed politically and economically and not in terms of achieving but rather reducing this figure because the resulting density will seriously deteriorate EXISTING residents' "quality-of-life" and precipitate monumental socio-economic impacts.

The RTP/EIR states in the SUMMARY OF IMPACT FINDINGS that: "*No regionally significant adverse impacts would occur.*" How can this be stated when a sentence in the same paragraph says ". . . *however, the 1990 level of mobility is not maintained.*" It follows that there will also be a degradation in terms of air quality too because pollutants volume is higher in the vehicular speed ranges projected.

There is no question that elected officials in Bay Area cities have joined ABAG, the MTC and other organizations to develop reports (EIRs, et al) that present a one-sided view of facts in an attempt to justify their plans for substantially increasing population density.

The question arises: Why take this risk? Answer: To stay in office. The high increase in general population has forced entrenched elected officials to find ways to increase the numbers represented by their historical voting blocks: city, county and state employees. To do this, elected officials have created one publicly-funded social service program after another. Unfortunately, the time came when available funding sources reached capacity, and, indeed began to fall.

This caused elected officials to move into the transportation areas of the budget. In a relatively short period of time major plans were well underway when, unfortunately, federal then state and local Air Quality Acts were passed. The new air quality standards posed a serious dilemma: "How can we implement our plans for increased density and still meet the new air quality standards?" Answer: Superimpose transit systems that are based on "projections" developed by MTC computer models - and when this failed - introduce "Transportation Control Measures" which appear to resolve findings of "Unavoidable Significant Adverse Impacts" - and create enough levels of bureaucracy to hide the facts of the matter from everybody, particularly the voting taxpayer. I.e., address comments raised by the public that support MTC's position and ignore the rest. And for an added measure of safety, pass state legislation that precludes the ability of any court to rule in the favor of any and all litigants. And finally, quietly create a "regional government" - i.e., the Bay Vision 2020 which encompasses the MTC, ABAG and the Bay Area Air Quality Control Board (BAAQCB) - a step which will effectively reduce the BAAQCB to a "department," one that can easily be overruled by the Bay Vision 2020's Executive Board of Directors.

In sum, the RTP/EIR essentially communicates that "the Project is fine, nothing negative is going to happen and life will be rosy." Sounds remarkably like the compromised Mission Bay EIR - and it is. San Francisco's \$4.7 billion land use and transportation plans will waste \$2.7 billion in transportation projects alone. San Francisco's Planning Commission has certified my finding that Mayor Feinstein's, and now Mayor Agnos, his appointees, and the Board of Supervisor's plans will raise the cost of living by \$282 per month for every man, woman and child living in the San Francisco. The Bay Area transportation budget is about \$8.1 billion. So much for the integrity of EIR's - and the models, methodologies, "projections," and assumptions employed to create

them. Fortunately, EIRs, computer models and all that they encompass are but squiggles on a piece of paper. It is the elected officials at the local, state and federal level who either created them or have allowed them to promulgate due process activities that is the problem.

Removing these individuals from office is the only viable solution. The reassertion of Socialist Communism - and corruption - in Eastern Europe provides a recent example of what happens if entrenched officials - and their supporters - are not removed from office.

I only hope that San Franciscans and other Bay Area residents have the courage that the citizens of Eastern Europe possess. On the one hand we don't have to face guns, but on the other, we are not starving either - yet!

Very truly yours,

Dehnert C. Queen  
Founder and CEO



# SAN FRANCISCO PUBLIC HEARING POLICY

## The Existing California State Brown Act

"The Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of this law that their actions be taken openly and that their deliberations be conducted openly."

"The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created."

"Open Meeting Act," Gov. Code §§ 54950 et seq.

## Proposed San Francisco "Open Meeting" Policies and Procedures

We, the undersigned, support immediate adoption of the following procedure for all public activities subject to "open meeting" acts, i.e., design and implementation of government structure, public policy, objectives procedures, and in particular, major public or private projects affecting land use, transportation, housing, jobs, zoning, public funds, and taxes:

**Pedant:** Prior to holding the first public meeting, an operating budget shall be established by the sponsoring entity (agency, department, commission, taskforce, workshop, advisory committee, etc.). This budget shall include funds sufficient to execute the items set forth below.

**Public:** City Departments shall budget and implement a computerized **Bulletin Board** system that is used to maintain a "Meeting Notice" project file and a list of all project participants (name, address, company/department, phone(s), etc). **Public Notice** shall be disseminated by locating a terminal on the main floor of City Hall and establishing a "Meeting Notice" section in the City's official newspaper; major issues shall be reported during the evening radio and television news programs. The Meeting Notice shall be published alphabetically, in columnar form, by sponsor, title (project), volume, next meeting date, time, location, participant count, page count, reference to related issues, cost of volume(s), and pick-up location(s).

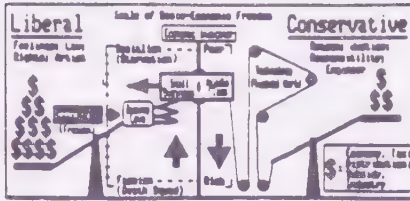
The first meeting shall be held a minimum of seven (7) days after the first Notice of Meeting has been published. **Subsequent meetings** (including all departmental or technical workshops), shall be held a minimum of seven (7) days thereafter with agenda, agenda documentation and latest Master Meeting Document mailed to the "participant list" a minimum of four (4) days prior to the meeting. Copies of current agenda packets and past Master Meeting Document volume(s) shall be available at each meeting. The Sponsor shall provide visible signage/directions/map to meeting room.

**Testimony:** All meetings shall be recorded electronically or by court recorder. The meeting length shall be stated on the agenda, but may be extended upon a majority vote of the participants to a maximum of four hours. The meeting's total time shall be divided equally between the Sponsor/City agencies and the public. Each participant shall be provided a minimum of five (5) minutes to present (cogent) verbal testimony or one (1) minute to give support to previous testimony. All written requests to present "**Formal Presentations**" shall be noticed and agendized and shall be limited to between 15 to 30 minutes duration, plus a minimum of 15 minutes for questions/answers. Presentors may distribute the text of their presentation (unlimited pages), and any referenced "Substantiating Document(s)" (unlimited pages), as well as an "Executive Summary" (maximum five (5) pages), where the last page shall be limited to a bibliography and action status of documents or letters previously submitted to City officials and/or related public meetings. The Sponsor shall accept and enter official page numbers on all agenda documentation, written testimony and presentation documents received before or during the meeting.

The Sponsor shall be held accountable for recording and transcribing all meeting proceedings, collecting all agenda documents, executive summary/text/reference documents, and entering the official date (volume) and page number. The Sponsor shall assume responsibility for securing official responses to all comments and/or questions raised by the public. All meeting transcripts, documents and official responses shall be maintained by the Sponsor in a chronological "**Master Meeting Document**" (testimony and documents shall be verbatim - no summarization), organized by meeting date (volume), and available at a designated site. The **Bulletin Board** (Meeting Notice/participants, etc) shall be updated with current information by all City Departments daily. Copies of the current Master Index and Master Meeting Document volumes shall be made available daily (8:00 am) to the press and the public for free, at a maximum cost of \$0.025 per page, or less if demand justifies offset printing efficiencies.

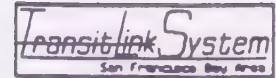
**Certification:** Formal closure of the public meeting shall be by two thirds vote of all participants who have attended at least two-thirds of the meetings. The Sponsor shall then prepare and publish a "**Summary of Findings and Conclusions**" section in the "Master Meeting Document" which addresses, in a substantiated, factual manner, all unresolved facts, issues, considerations and alternatives contained in the Master Meeting Document. All final responses shall be referenced to volume, page number and item (or paragraph) of the Master Meeting Document. A "Certification" public meeting shall be held a minimum of two (2) months after the publication date of the "**Final Master Meeting Document with Findings & Conclusions**" has been published per "PUBLIC NOTICE" above. Certification shall be suspended if evidence demonstrates that conclusions are flawed, an item of testimony has been deleted from the public record, a major issue or alternative has not been addressed or is unsatisfactorily mitigated in terms of socio-economic impact. Final Certification status shall be reported per "PUBLIC NOTICE" above.





## Small Business Development Corporation

956 Sacramento Street, #305  
San Francisco, Calif. 94108  
(415) 362-2250 Bus / (415) 433-7497 Res



*Restoring Economic and Social Independence to the Small Business and Middle Class Community*

Founded February, 1986

Sponsor of the Small Business Bowl / Transit Link System Project

*America's First Privately-Funded Small Business Sports, Commerce, Housing & Transit Center and Inter-City Transit System*

repects

HAND DELIVERED

June 14, 1991

(With Errata Corrections)

Mr. Steve Weir  
Chairman,  
Metropolitan Transportation Commission  
101 Eighth Street  
Oakland, CA 94607

Re: Public Comment on Regional Transportation Plan Draft EIR of April, 1991

Dear Mr. Weir:

Please include the following comments in both the "Comments and Responses" section of the Draft EIR and the Final EIR. (Note: Quoted EIR text printed in *italics*.)

### GENERAL COMMENTS

#### PUBLIC COMMENT PERIOD

It is unreasonable and unfair under the tenet of free speech for governmental bodies to take many months or years to prepare an EIR report, many of which contain more than 500 pages, and then expect unpaid commentators to read, assimilate, analyze, and prepare written comments within the allotted public comment period that is limited to 30 to 45 days.

The ability of the public to participate in a meaningful manner is further complicated by the fact that there are currently numerous EIR studies and documents underway, that these EIR documents are directly related to or impact one another, and that the combined (underlying) policies, assumptions and socio-economic impacts contained within these documents are generally not made known to the public even though eventual (expected) certification and implementation of the policies and projects will have substantial impact upon the future of the Bay Area for well into the 21st Century. For example page 16.8 states:

*"The Project would require an irreversible commitment of financial resources to the development of the Project elements . . . the Project would require an irreversible commitment to satisfying mobility needs primarily through automobile accessibility."*

In short, the Project defined in the RTP/EIR establishes that Bay Area transportation requirements are programmed to be "solved" with an expected increase in the use and density of automobiles in already high traffic areas - and once the Project is underway, it is irreversible. What happened to the "transit first" policy and the strict requirements codified in the Clean Air Act? Is not this EIR fatally flawed?

I would also like to point out that I had spent considerable time and effort preparing written comments on the Seaport EIR, and then experienced hard disk problems on my computer that prevented the delivery of comments to the MTC on the due date. When I called the MTC to explain my problem, I was told that there was only one person involved in the project and that he was out of the office and wouldn't return for four days (including a weekend.) e.g., until after the due date had lapsed. When he did return, he explained that the due date had passed. . .

Therefore, and in the interest of due process relative to the general public, I request that public comment periods be retroactively redefined to encompass a period of not less than 60 days, and for large or related EIR's, a period of not less than 90 days.

### MEDIA OUTREACH

There is a related issue that must be addressed both immediately and retroactively by governmental bodies undertaking the EIR/EIS process: The number of individuals involved in the EIR/EIS process in terms of public participation and comment is generally very small to nil. I attribute this phenomena to the current practice of agencies simply sending a generic Press Release to media representatives or printing a terse Public Notice in 4 point font in an obscure newspaper. This does NOT constitute reasonable or proper notice to the public because it results in little to no "meaningful" information, scope, or impact being conveyed to the public, much less media outreach efforts or in-depth coverage in terms of newspaper articles, television news reports, talk shows, et al. In short, the public is kept in the dark.

### PUBLIC PARTICIPATION AND ACCESS

Public participation and access is essentially precluded during the preliminary steps (subtasks, working papers, departmental meetings, etc) leading to the formal EIR document because of the growing number of governmental bodies employing so-called sub-committees, taskforces, and Citizen Advisory Committees in recent years, i.e. "work groups" that do not have to comply or operate within the tenets of the Brown Act ("Open Meeting Act"). The resulting dilution of governmental responsibility has made it all but impossible for the everyday citizen to understand who is doing what, when, and on what subject. This "obfuscation through dilution" becomes a serious obstacle due to recent legislation that allows data, assumptions or "mitigating factors" developed in previous EIR's to be referenced or applied in the current EIR - a practice which generally ignores information, facts, fatal flaws, and alternatives that have been previously presented by public commentators from being addressed in the current EIR and thus creates a "black hole" which absorbs data from commentators but also prevents its "escape" to the general public. In short, if previous EIR's are referenced, ALL related information, facts, fatal flaws, and alternatives presented by public commentators must be presented in the current EIR - including major findings, data tables, facts and circumstances developed by "work groups" in "sub task documents" preceding the formal EIR document presented to the public.

### SCOPE OF THE EIR: TWENTY YEAR TIME PERIOD

A major reason the time period of 20 years was embraced in this EIR is the fact that the major transit extensions (BART to the SFO airport, et al) that have been planned will take at least 11 years to complete.

This explains why the SBDC's proposed "Transit Link System" proposal has been suppressed at every turn by local and regional officials during the last five years: The SBDC plan can be implemented in about 3 years and formal consideration would substantially change the assumptions promulgated in this EIR as well as the major development plans worked out by local officials in San Francisco (Mayor Agnos), San Mateo (Tom Nolan), and Santa Clara (Rod Diridon), et al.

Moreover, the "Transit Link System's" air quality improvements, substantiated cost and travel time savings, transit capacity, low fare charges, public access, et cetera represent substantial improvements over and above the RTP's transit/highway plans. Under CEQA these efficiencies call for public re-evaluation of the RTP itself, this EIR and the governmental process that created both the RTP and the EIR.

### "SUMMARIZATION" and STATUTORY/ADMINISTRATIVE EXCLUSIONS

The practice of information, facts, fatal flaws, and alternatives presented by the public commentators being reduced to "gibberish" because of the extreme level of "summarization" employed by agency/EIR staff, or dismissed out-of-hand because of the application of "specialized" statutes established through the legislative process and/or official policy must cease. In short,



all working papers resulting from sub-tasks and the formal Draft EIR must list the statutory exclusions, exclusionary premises, and "public" policies established by ABAG, MTC, and other governmental bodies in the preface or "setting" section of the EIR. And finally, the content, clarity and integrity of public comment can be maintained and conveyed to the public only if summarization is very limited or not used at all.

### FINANCIAL ANALYSIS - SOCIO-ECONOMIC IMPACT

Governmental bodies have established the interpretation of state and federal EIR and EIS statutes and guidelines where socio-economic and financial impacts are not addressed as legitimate project issues.

Generally speaking, the cost of the total project, definition of its elements, funding sources, construction considerations, the socio-economic impacts relative to redefined land use, the displacement of residents and companies, the displacement/replacement of job categories/skill levels/wages, increased density, and transportation elements including ALL transportation alternatives and many other factors are presented in a very cursory and generally unclear manner or not addressed at all. More specifically, **only the preferred alternative developed by the Lead Agency is presented in this EIR as the "Project." all other alternatives have been subject to censure, and thereby unavailable for public comment.** Moreover, data is "broken" into so many tables or pages as to be unintelligible without substantial "consolidating" analysis on the part of the commentor, relegated to separate documents – frequently assumed to be completed in detail at an unspecified future date, or excluded altogether in the EIR document made available to the public for comment.

This practice and policy adopted by governmental bodies constitutes a serious fatal flaw in that the return on the investment of public funds, to whom, in what amounts, and in what period of time is of paramount importance to the taxpayer – in terms of both "value" and the impact on the cost of living.

To my knowledge, I remain the only commentor who has gone to substantial effort to determine the impact on the cost of living regarding San Francisco's major land use and transportation projects. Indeed, the accuracy of my June, 1990 "Mission Bay" report was essentially substantiated by the Department of City Planning's fiscal and economic expert. Nevertheless, the contents of my report were excluded from the Mission Bay EIR, the Embarcadero Roadway EIS, other public studies, and this EIR. I remain particularly concerned about the issuing of bonds and ignoring the cost of interest expense.

It is important to note that the data, criteria and the process of evaluation employed are the very cornerstones of effective project analysis. Without full disclosure of these "factors" and how they are arrived at and employed, the taxpaying public is wholly prevented from evaluating the proposed Project in a meaningful way – one that can be evaluated for accuracy over time.

It is my position that both the format and the content of state and federal environmental documents are fatally flawed. These documents must be presented in the format similar to that of a STANDARDIZED BUSINESS PLAN. Both the process and the preparation of this STANDARDIZED BUSINESS PLAN must be made available to all interested parties as each section or sub-section is developed by staff (Lead Agency, work groups, et al). Furthermore, all correspondence, referenced data, public comment and technical input developed during the process must be captured and responded to in a manner reflecting the scope and intent defined in both my "San Francisco Public Hearing Policy" document (attached) and the California Brown Act. And finally, per my Public Hearing Policy, a master "EIR/Project List" must be maintained by each level of government entity, i.e., a City List, County List, Regional List, State List, et al. These lists shall be maintained at all official public repositories, and made available free or at cost upon written or verbal request.



### MAJOR ISSUES NOT ADDRESSED IN THIS EIR

There are numerous issues that have been unaddressed during the course of public hearings, previous EIR's and studies. They are crucial and must be included in this EIR. They include:

1. **IMPACT ON CAPITAL INVESTMENT:** A series of report delivered to governmental bodies demonstrate that the proposed Mission Bay Project and the associated publicly-funded infrastructure projects (Embarcadero Roadway/Muni Metro extension, et al) will result in substantial devaluation of San Francisco's existing Downtown Area by a factor ranging from 25% to 50% depending upon the speed the proposed projects are implemented, cost overruns, funding commitments, et al. (See page 10, below.)
2. **LAND USE CHANGES:** San Francisco City's policy is to convert industrial space, particularly waterfront space to high-density in-fill housing (generally built by non-profit housing developers closely connected to City Hall) or high-density commercial space. Doing so, particularly in the case of housing construction, forever precludes future expansion of ocean (marine) commerce. This policy causes the replacement of well-paid skilled jobs with minimum-wage unskilled jobs resulting in public deficits in the form of unrealized housing subsidies currently valued at \$152.5 million. (See document presented to the "Embarcadero Plaza Citizen Advisory Committee," March 26, 1991, attached).
3. **OCEAN (MARINE) COMMERCE:** Local government's lack of policy and "political will" in support of Ocean (Marine) Commerce and related Public Trust Use of Land activities (ship repair, fisheries, et al) has resulted in a series of activities being undertaken to re-zone waterfront property and adjacent areas as non-industrial areas. Doing so has ignored the natural resource defined as the "natural deep-water channel that runs the length of San Francisco's waterfront." San Francisco Bay is considered one, if not the best, deep-water port in the world. There are countries that have started wars to gain access to a deep-water port. Nevertheless, San Francisco's elected officials are acting to abandon the Public Trust and turning Port land over to outside parties who have no interest in ocean commerce or industrial activities whatsoever. Moreover, political rhetoric is useless because a SeaPort cannot survive or expand without modern facilities, adequate backland area, and efficient rail and truck freight services.
4. **TOURISM/RETAIL:** SBDC's previous reports show that tourism (food service, retail, etc) essentially generates minimum-wage jobs which then creates demands on taxpayers to provide public subsidies in the form of housing, health services, et cetera. San Francisco and the Bay Area must make best use of its industrial and waterfront properties. Converting them to retail, housing and commercial is essentially cutting our own throats.
5. **CALTRAIN'S SURVIVAL:** Local officials have for many years pursued a plan to relocate the CalTrain Terminus currently located at 4th and Townsend streets to a new location at 7th and Channel streets in support of the Mission Bay project. However, the resulting increase in distance to Downtown would unquestionably result in killing CalTrain operations. Fortunately, my efforts and my letter to James Morales, President of the Planning Commission dated June 19, 1990, with referenced letters and reports detailing more than 30 fatal flaws, resulted in the City quietly abandoning its plans to relocate the CalTrain Terminus to 7th and Channel streets thereby saving taxpayers approximately \$135 million. Unfortunately, San Francisco, San Mateo and Santa Clara officials have pursued their own agendas administratively regarding the replacement of CalTrain with Muni Metro or BART. (See document presented to the "Embarcadero Plaza Citizen Advisory Committee," March 26, 1991, attached).
6. **INTERNATIONAL TRADE:** It is my position that local officials are using the ploy of developing mayor projects under the guise of non-existent public benefits to allow rezon-

ing of waterfront and industrial land in order to circumvent federal law regarding ocean commerce and the abandonment of rail freight services. Doing so is indefensible considering the fact that many experts including consultants to MTC have indicated that international trade, particularly in ocean commerce, will quadruple. It has long been my argument that pursuing ocean commerce and freight transportation will create well-paying jobs for substantial numbers of Bay Area residents. The "best use" of land must be protected and fully addressed in this EIR.

### DETAIL COMMENTS

#### AIR QUALITY

##### Historical Background of Bay Area Air Quality

- Page 51 Para 4: (Fatal Flaw) Quantifying the impact of ALL CCAA pollutants regardless of source must be included in the EIR - with formulas and data tables on MS-DOS floppies made available upon request. Limiting the EIR's scope "*to only those pollutants for which the Bay Area is presently in nonattainment*" is unacceptable. Doing so precludes the ability for interested parties to interpolate the impact of projects being considered for future development.

##### Development of 1982 Air Quality Plan

- Page 53 para 1,2,3: The failure of 10 TCMs to effect the 85 ton reduction of hydrocarbons must be explained in terms of WHY the failure occurred, not just the fact that they did fail.

##### Development of the Draft 1991 State Clean Air Act

- Page 53 para 5: (Fatal Flaw) "*Source contribution and reductions of HC are forecast to occur from the on-road motor vehicle source category.*" "Forecasting" does not develop the same level of reliability as measured (empirical) data. To assume by "forecasting" that motor vehicles represent the single largest source of problem/reduction without measuring fixed sources is highly subjective and subject to political interference. This is probably why the first 10 TCMs failed to become reality. A scientific analysis of fixed and vehicular sources must be defined, analyzed and published before the contents of this EIR is valid.
- Page 55 para 1: (Fatal Flaw) For the EIR to "*depend upon new vehicles (fleet turnover) to reduce air pollution*" is seriously flawed for three major reasons: Economic forces may (will likely) prevent the purchase of new vehicles, the total energy consumed and the pollution generated in the manufacturing of new vehicles is not addressed, and the total energy consumed and the pollution generated in disposing or recycling old cars is not addressed. Furthermore, significant testimony has been presented by qualified commentators during previous public hearings on this EIR indicating that the data and the premise, accuracy and reliability of current modeling programs are seriously flawed. The computer models and the vehicle "turnover" assumption must be exposed to the scientific community at large and evaluated, modified and certified before results can be used in past, present and future EIR's.

##### Nature of Regional Air Pollution CO Hot Spots in the Bay Area

- Page 55 para 3: (Fatal Flaw) "*The CO hot spot problem is generally considered to be worst during winter nights. . . in both downtown/high traffic areas and residential areas.*" The presented hypothesis of "*CO mixing within a shallow air layer and transported by drainage winds to residential areas*" excludes the most obvious hypothesis: The real cause may be the output of pollutants from growing numbers of residential and commercial heating plants and electrical generation plants (i.e., conversion of low-density industrial areas to high-density urbanization), creating the hot spot or ambient air quality problem. More specifically, the true basis of the Bay Area's growing environmental problems may lie in the mixing of respective air-borne pollutants from vehicle sources and heat sources because of new developments being constructed adjacent to traffic corridors and the



resulting compounds "cooking" in the sun and spreading via the phenomena of chemical dispersion. This hypothesis must be addressed in this EIR.

Furthermore, nowhere in the EIR is the tonnage of housing/commercial/electrical generation pollution calculated, published or the impact evaluated. Doing so should be relatively straight forward in that fuel consumption figures should be available, and the calculating of BTUs and pollutants per gram possible. These issues must be addressed and included in the FEIR.

#### Nature and Status of Bay Area Ozone Problems

■ Page 5.7 para 2: (Fatal Flaw) *"The federal one-hour ambients air quality standard for ozone is 0.12 ppm, the state is 0.09 and the Bay Area's design value is 0.14."* The following questions must be addressed: why are the standards different, what is "design value" and more importantly why is the Bay Area's standard so much less restrictive? This issue must be fully addressed and included in the FEIR.

■ Page 5.7 para 4: (Fatal Flaw) *"... May through October marks the primary ozone season in the Bay Area."* This phenomenon coincides with the "Tourist Season." The obvious repercussions relative to land use and transportation planning must be fully addressed and included in the FEIR.

■ Page 5.8 para 1: *"For single-day ozone formation, the time period from midnight through 10:00am is a sensitive time period with respect to HC emissions."* It is again my position that the heating of housing and commercial facilities at night plus electrical generation and vehicular traffic and the resulting compounds formed by the by-products upon being "cooked" by the sun the next day may prove to be the culprit underlying the measured pollution. Atmospheric conditions only complicate the problem.

My previous reports substantiate the fact that the air quality problem is the direct result of flawed local policy regarding construction and density of commercial space and the all but nil construction of housing. Moreover, this construction imbalance created an expanding artificial demand for housing which has resulted in escalating prices in terms of rent and purchase cost. This in turn has forced more and more people to commute greater and greater distances. It is important to note that San Francisco has the highest "commute in" percentage of Home Based Work Trips in the Bay Area per Table 15.5, and per my reports, the poorest plans for improving transit capacity. These aspects must be fully addressed and included in the FEIR.

■ Page 5.8 para 1 et al: (Fatal Flaw) The Bay Area's status as "severe nonattainment under CCAA guidelines" has precipitated federal and state "penalties" for nonattainment as well as plans for increasing severe TCMs. It is readily apparent to me that local officials and the MTC, ABAG, BAAQMD, et al have ignored deteriorating air quality and "forced" commute periods for political reasons and are attempting to again "resolve" the increasing problems by implementing increasing severe draconian measures (TCMs) that are directed at motor vehicles only so that high-density construction can continue unabated.

This is unquestionably establishing a "vicious cycle" in terms of escalating public cost (tax raises, TCMs, transit fares, fees, et al). The policy of elected officials limiting draconian measures primarily to vehicles while promoting the cause of increasing numbers of vehicles by developing large-scale development of high-density commercial/retail projects in San Francisco and housing projects in South San Jose (for example) is illogical beyond belief! Regardless, this fatal logic practically guarantees "air quality nonattainment" status in the future (i.e., more "failed" TCMs), which nevertheless provides legal justification for elected officials to raise existing taxes and new taxing methodologies for funding new BART and Muni capacity and extensions to serve newly planned high-density commercial and housing projects. In the final analysis this cycle adds more jobs to the public payroll, expands political empires, adds new levels of bureaucracy which creates a demand for more commercial and housing facilities which again expands the "vicious cycle" as time passes. Is not this cycle the same as the "machine politics" practiced under Tammany Hall?



In short, elected officials are forcing existing residents and business people out of their cars via increasing severe TCMs which eventually forces these same residents to move or use inefficient public transit at increasing expensive fares because of an escalating cost of living so elected officials can increase the density of development projects to fill the projects developed by their "friends." Moreover, the current air quality and transportation models provide the "scientific" justification in this and future EIRs as well as the necessary media coverage needed to "sell" the whole process. For example, the use of JHK & Associate's "re-calculations" instead of the BAAQMD figures in the tables starting on page 5.12 serve to substantially increase the "percentage change" which gives the appearance of substantial reductions in pollution emissions. A nice and effective touch - if allowed to stand.

This scenario must be fully addressed by "outside experts", alternative solutions prepared in the interest of the public and included in the FEIR.

### SIGNIFICANCE OF EMISSION CHANGES WITH RESPECT TO CEOA

#### Definitions Used to Determine Significance of Emission Changes

■ Page 5.17, para 2: (Fatal Flaw) *"There are no formal definitions that have been established to define 'significant adverse air quality impacts' with respect to large scale programs such as the RTP."* This and the *"given lack of any formal approach to define significant impacts. . ."* provides a logic hole one could drive a Mack truck through. In short, there exists no means for the public to evaluate the contents of this EIR. And thus, when the TCMs and environmental guidelines fail in the future, the ability to produce a new EIR is left open WITH NO REPERCUSSIONS LEVIED UPON PAST OR THEN CURRENTLY-ELECTED OFFICIALS!

This scenario must be fully addressed by "outside experts", alternative solutions prepared in the interest of the public and included in the FEIR.

#### Ozone Impacts

■ Page 5.17, para 4: (Fatal Flaw) *"Ozone formation is an urban-scale problem. . . The Project was judged to have no 'significant' ozone air quality impacts if for the year 2010, it did not increase HC and NOx emissions over 1990 base case levels. The Project was judged to have 'significant but mitigatable' impacts if HC or NOx emissions increased above 1990 base year levels."*

See comment re Page 5.17 para 2: If *"no formal definitions have been established"* for the Project, how can the Project be "judged" in any meaningful scientific manner or more importantly any meaningful mitigations developed?

■ Page 5.21 para 1: (Fatal Flaw) *"None of the impacts was judged to be either an 'unavoidable significant environmental effect' or a 'significant irreversible change to the environment. In theory, air quality problems are neither irreversible nor unavoidable (problems can be corrected) at any time by limiting emissions."*

Wonderful sentence, but it means nothing. Of course one can "resolve" air quality problems by limiting emissions. But for this "theory" to hold true, the limiting of emission must be done before the fact and not after the fact. I.e., One is prevented from doing so if the source of these emissions are in place - either vehicles on the road or commercial/housing developments constructed.

*"In addition, the Project emissions analysis over-predicts future vehicular emissions for two reasons: (1) the MTC, together with the BAAQMD, has drafted a transportation control measure (TCM) implementation plan that is not considered in the Project and (2) the Project's emissions analysis does not include the effects of recently promulgated low emission vehicle standards established by the California Air Resources Board (ARB, 1990)."*

The undisclosed TCMs are undoubtedly draconian in nature and to be paid for by the business community per my comments above. More importantly, how come the new ARB standards were not integrated into this EIR?

These two reasons alone are sufficient to require a Supplemental DEIR to be prepared under the CEQA statutes.

### VMT Impacts

■ Page 521 para 3: (Fatal Flaw) *"Draft ARB guidance on this topic has recommended that 'substantial' reductions in the rate of increase of VMT be linked to growth in VMT and population (ARB, 1990b)."*

See scenario described in "Page 58 para 1 et al" above.

### Relationship Between Short-Term and Long-Term Emissions, and Between Project Level and Program Level Emissions

■ Page 522 para 4: and ■ Page 523 para 1: (Fatal Flaw) *"The Emission estimates provided in the tables that accompany this chapter focus on the long-term changes resulting over the 1990 through 2010 time period. . . The findings reported in this study focus on the broader impacts of the overall RTP, rather than localized impacts that may temporarily result from individual projects."*

*"The benefits from the phasing in of more stringently controlled vehicles and phasing out of older vehicles increases with the passage of time. Near-term individual projects will therefore be more likely to result in emission increases than projects that take place later. Overall, however, substantial emission reductions are expected to be realized by the year 2010."*

See scenario described in "Page 58 para 1 et al" above.

The phrase "are expected" is hardly "scientific" and must be discarded and factual data and analysis presented.

Further, the hidden agenda is to allow the building of Mission Bay in San Francisco and housing projects in San Jose NOW and employ draconian measures to "fix" (and finance) solutions to air quality and transportation problems later.

This is not acceptable, and by reference I have enclosed a copy of the SBDC's detailed land use and integrated transportation proposal with additional studies and reports that must be fully addressed in a Supplemental EIR required under section 15088 of the CEQA Guidelines summarized as follows [quote, synopsis]:

#### Evaluation of and Response to Comments:

*"(a) The Lead Agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response. The Lead Agency shall respond to comments received during the noticed comment period and any extensions and may respond to late comments."*

*"(b) The written response shall describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular, the major environmental issues raised when the Lead Agency's position is at variance with recommendations and objections raised in the comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice."*

*"(c) The response to comments may take the form of a revision to the draft EIR or may be a separate section in the final EIR. Where the response comments makes important changes in the information contained in the text of the draft EIR, the Lead Agency should either:"*

*(1) Revise the text in the body of the EIR, or*

*(2) Include marginal notes showing that the information is revised in the response to comments.*



Note: "Authority cited: Sections 1063 and 21087, Public Resources Code; Reference: Sections 21104 and 21153, Public Resources Code; *People v. County of Kern*, (1974) 39 Cal App 3d 830; *Clery v County of Stanislaus*, (1961) 118 Cal App 3d 348. Formerly Section 15146(b)."

Discussion: "The main purpose of this section is to codify the holding in *People v County of Kern* cited in the note. The evaluation and response to public comments is an essential part of the CEQA process. Failure to comply with the requirements can lead to disapproval of a project. . . The options of revising the draft or adding the comments and responses as a separate section of the final EIR match the permissible approaches under the federal NEPA system. . ."

It is my position that the statutory process described above combined with the fact that the vast majority of my testimony, a list of major "fatal flaws", and well-defined alternatives/improvements described as the 'Small Business Bowl' and 'Transit Link System' have been obfuscated or otherwise deleted in past EIR proceedings and that the Mission Bay and related Embarcadero Surface Roadway Projects must be re-evaluated to include and address both the issues and alternatives presented herein and that failure to comply with the requirements under section 15088 of the Guidelines, California Environmental Quality Act can lead to disapproval of subject projects and this EIR.

#### Significance of Emissions Changes With Respect to California and Federal Clear Air Act Emission Reduction Requirements

■ Page 523 para 3: "The Bay Area's ability to meet federal and state air quality standards will depend not just on the emissions reductions resulting from mobile sources, but also on the emission reductions achieved by controlling stationary and area sources."

This sentence provides substantial support for my arguments above. Clearly, the issue of stationary sources has not been addressed in this EIR – and it must be!

#### MITIGATION

■ Page 525 para 2 & 3: "Given the limited impacts projected for the Project, this discussion identifies one category of mitigation options: transportation control measures (TCM's)."

"The MTC, together with the BAAQMD, has developed a proposed TCM program to be implemented over three phases. Taken together, the three phases of the TCM program are projected to produce NOx emissions decreases of 5.5 percent for a combination of employer-based measures [tax businesses], mobility improvements [highway not transit systems], traffic operations management [higher parking charges and ticketing staff], user incentives [discount transit tickets to employees of major companies], alternative revenue concepts [state and local propositions supporting bond issues], and transit/land use integration [the location of BART and light rail stations developed by selected developers]. Market-based strategies [??] are estimated to further reduce NOx emissions by 18.5 percent (MTC, 1990b)." How? As discussed above, the scope of long-term mitigation requirements needs to be determined in the context of projected tailpipe improvements and the projected effectiveness of current and future stationary and areawide source controls.

See scenario described in "Page 58 para 1 et al" above.

In sum, the TCM's developed cannot address the situations defined by the EIR because the scope and the impacts of the Project are not fully defined. Everything is left to an undefined future – with air quality problems expected along the way.

#### POPULATION GROWTH AND LAND USE

##### Regional Overview

##### Corridor Analysis

##### U.S. 101 Corridor



■ Page 14.2 para 3, et al: I take great exception to the fact that the Peninsula Highway 101 corridor does not include the area necessary to gain access to Downtown San Francisco. In short, it is ridiculous to define a corridor which does not include the primary origin/destination point. Failing to do so skews both transportation capacity and Clean Air requirements.

## TRENDS, POLICY AND PROJECTIONS

### Regional Overview

■ Page 14.9 para 4 et al: (Fatal Flaw) During the course of the past five years I have participated in numerous EIR and EIS studies. I have also been involved in San Francisco's Housing Element of the Master Plan process. My involvement has resulted in my seriously questioning both the data and the conclusions reached by ABAG and other agencies. I have seen the data change from page to page a given report, subsequent updates significantly change previous reports, and conclusions that do not include the financial, socio-economic and density impacts of projects that have been certified for construction by local officials. I could write a book on this subject, but suffice it here to state that "in summary, it is my view that ABAG develops reports which essentially justify large-scale, high-density development projects and transit systems which make it possible to fill them with people - transit systems which are expensive, inefficient and generally obsolete about the time they are completed. Furthermore, MTC uses these data in their planning activities, and thus, white elephants are set in concrete." If anybody wishes to question this statement, I refer you to the referenced reports that I have prepared and delivered to both San Francisco and MTC officials - reports that have been substantiated by the City Planning Department, but wholly ignored by elected officials. Example:

*"A Unifying Theory of Political Corruption / A Constitutional Means for Politically Eliminating It,* February 1990, 28 pages. Contains 34 major flaws regarding San Francisco's land use and transportation projects and how certification of these projects have been achieved politically.

*"Fiscal, Financial & Social Evaluation of the Mission Bay Project Including Related Land Use and Transportation Projects and Alternative Proposals,"* June 1990, 54 pages. Documents that San Francisco's land use and transportation projects will unnecessarily raise the cost of living in San Francisco \$282 per month for every man, woman, child living in San Francisco resulting in the substantial displacement of San Francisco's Small Business and Middle Class Community, et al. Report substantiated by the Planning Department's fiscal and economic expert in July, 1990.

■ Page 14.13 table and text: (Fatal Flaw) The MTC Superdistrict System defines District 3 (Mission District) to include the Mission Bay Project rather than District 1 (Downtown).

I have shown in reports and analysis that the proposed Mission Bay Project and the associated publicly-funded infrastructure (Embarcadero Roadway/Muni Metro extension) will result in causing devaluation of San Francisco's existing Downtown Area by a factor ranging from 25% to 50% depending upon the speed the proposed projects are implemented, cost overruns, funding commitments, et al.

In short, the devaluation in capital investment, operating revenues of Downtown office facilities and tourism will come about because the Embarcadero Muni Metro extension, upon completion, will not have sufficient capacity required for existing travel demands. Moreover, the future travel demands resulting from the planned quadrupling of density along San Francisco's waterfront (including Mission Bay), combined with the elimination of the Embarcadero Freeway, the alignment of the Muni Metro extension, and waterfront housing projects will preclude extension of CalTrain to the Ferry Building (Justin Herman Plaza at Market Street). The loss of commuter access, the increase in commute time and fares, and the resulting vehicular gridlock will cause a shift of businesses from Downtown to the Mission Bay Project and possibly out of San Francisco.

NOTE: THIS SCENARIO WILL PROBABLY BE REJECTED OUT OF HAND BY EIR STAFF, BUT NONETHELESS, IT IS TRUE AND IT WILL HAPPEN. I WILL GLADLY SUBSTANTIATE THESE STATEMENTS TO ANY PERSON HAVING A VESTED INTEREST IN DOWNTOWN SAN FRANCISCO. I AM TIRED OF ATTEMPTING TO DO SO TO CITY AND REGIONAL OFFICIALS.

### Corridor Analysis

■ Page 14.23 para 5: (Fatal Flaw) *"In San Francisco, plans are being studied for mixed-use redevelopment in the Mission Bay and South of Market areas; housing in Rincon Hill, South Beach, Mid-Market, North of Market and Van Ness Avenue; and commercial-industrial uses between Townsend Street and the BART line [Market Street?] and in the Mission, Central Waterfront and South Bayshore areas. Measure M limits construction of office space."*

Many of these projects are certified for development, underway, or substantially completed, particularly the 315-acre Mission Bay Project. The Mission Bay Project was certified in the Fall of 1990. How come the socio-economic and traffic impacts of these projects are not included in this EIR (published April, 1991)?

Answer: The traffic, air quality and public cost issues have not been addressed, much less resolved. I have documented that the Mission Bay EIR and the Development Agreement were compromised during both its preparation and the public comment process for purely political purposes. All of this has been quietly buried. My only option was to go to court and, unfortunately, I couldn't find an attorney.

### SUMMARY OF SIGNIFICANT IMPACTS

■ Page 14.36 para 3: (Fatal Flaw) *"The Project would have significant impacts on adjacent land uses, and would facilitate planned growth in certain areas."*

Should read ". . . facilitate growth integrated with or adjacent to planned transit facilities."

### GROWTH INDUCEMENT

■ Page 14.41 para 2: (Fatal Flaw) *"Growth-inducing impacts are defined in the CEQA Guidelines at Section 15126(g) as 'the ways in which the Project would foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects that would remove an obstacle to growth. . . It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment."*

The issue arises whether the "fostering of growth" shall be in terms of new use or the revitalization of existing use. The impact on local land owners/companies between the two options is substantial. In the former existing owners/companies are displaced. In the latter the value of public expenditures accrues to existing (local) owners and companies. The issue of converting project areas to new and generally higher-density use or improving the streets, sidewalks, public fixtures, furniture, etcetera must be addressed.

The removing of "growth obstacles" depends upon the perspective of the party making the decisions. Unfortunately both local government officials and large-scale developers have both a record and a propensity of generally viewing growth obstacles as anything that prevents large scale, high-density, high-return commercial projects. For example, San Francisco officials and the Mission Bay developer view both the I-280 freeway, the CalTrain Right-of-Way and the Port's responsibility to develop waterfront land for ocean commerce and related public trust use of land activities as obstacles. Use of the force of law and a band of self-serving special interest groups have all but eliminated these obstacles. The resulting land use and zoning changes that have been implemented appear in the press to be good for the public, but the benefits really lie with elected officials and the developer involved. Little has been published



about the long term impact on the General Fund of the City, diversity and quality of skilled jobs, the quality of life throughout the City and the fact that the health and well being of the Small Business Community is severely threatened.

Both the Mission Bay EIR and this EIR essentially set in concrete the large-scale plans for Mission Bay and the conversion of the waterfront to commercial, non industrial, non ocean commerce use. However, my Mission Bay Report clearly documents that the true picture is substantially the reverse. This data, and the alternatives presented, must be fully addressed in this EIR or a Supplemental EIR.

In short, this EIR does not address the fact that the Small Business Community in the Bay Area will not participate in the planned growth directly – on a meaningful scale. It appears that large-scale developers will not only displace small businesses along transit corridors, but in areas slated for large-scale redevelopment for either housing or commercial/retail space. Please note that establishing "corporate landlords" where small business companies have no choice but to rent space at market rates results in high turn-over of companies over time because of increasingly smaller profit margins. **In short, development projects supported or sponsored by government bodies must be formally structured to ensure that the Small Business Community acquires an equity position in the projects in terms of ownership, i.e., "commercial condominiums, joint ventures, et al. If this isn't possible, the project, generally, shouldn't be authorized.**

■ Page 14.41 para 4 et al: (Fatal Flaw) *"Therefore, the infrastructure improvements are normally discussed in terms of serving local growth rather than inducing it. However, in order to comply with the CEQA Guidelines, this section addresses transportation improvements in terms of removing an obstacle or otherwise inducing growth."*

The above paragraph should be read as follows: In order to circumvent the CEQA Guidelines the EIR addresses transportation issues in terms of serving the masters of local growth rather than the taxpayers who pay for it. **In other words, tax money is being used against taxpayers.** Politically, this is a very awkward situation folks so lets talk about serving transportation needs rather than the growth it can, and undoubtedly will generate no matter what it costs and no matter who will be displaced.

Growth, in and of itself is not necessarily "good." Cancer provides an example: Its growth consumes and displaces normal functions.

However, growth in terms of an arm's strength is good; it facilitates eating, mobility, et al.

In short, the depth and breadth of the EIR, socio-economic factors, costs, value returned and to whom determines whether growth will be a "cancer" or an "arm." The only way to tell is to establish criteria, milestones, etc in order to evaluate what is growing – and if the growth is "bad," stop it before the host dies.

There is another issue. Government generally assumes the position – by practice, policy or law – that it is the local government's roll to provide publicly-funded infrastructure improvements required by development projects. In short, developers set the course and government shovels the coal to drive the engine.

This EIR and all EIRs must formally analyze both the direction being taken and the amount of coal required to drive the engine as well as measure if the output of the engine is sufficient to carry the load.

Another comment. ABAG unquestionably supports and promotes the position (general plan) to establish certain areas of the Bay Area as "work" areas, others as "living" areas, and others as "this and that use" and then connect all the areas with new transit and highway projects. This position undoubtedly explains why MTC Commissioners consistently vote to prevent non-governmental development of rail and transportation systems.



It is this myopia that has established an attitude, policy and supporting laws where selected developers can do what they want, government will grow to provide the infrastructure, and the taxpayer is forced one way or another to pay for it all even if its a white elephant. If small business gets in the way, tough. This is why New York and the nation's major cities are in serious trouble. My attached reports and documents substantiate this and also provide superior alternatives.

- Page 14.43 & 14.44 Table: The "legend" icons should include one representing "Major Office/Commercial/Retail Space" and this icon should be used in the table line for San Francisco, Santa Clara, etc.

## REGIONAL ECONOMY

### GENERAL COMMENTS

I have not had time to perform "workups" on the data and tables presented in this section so I will make general comments.

- The tables should be updated to reflect the 1990 census.
- All tables should show data for 1980, 1985 and 1990
- I believe it is a serious mistake to accept the basis that *"the RTP assumes that the regional population and employment forecasts prepared by ABAG will be realized"* for two reasons: I seriously question ABAG figures because of their propensity to promote high-density growth, and more importantly, the negative impact on the quality of life if city and counties and companies take steps to reach these goals. For example, *"the number of vehicles using the highway network will increase substantially between 1990 and 2010."*
- The methodologies and assumptions for "projections" should either be included in the text or in a footnote. For example, how does one establish that *"Alameda county will export an additional 16,700 residents to San Mateo county by 2010?"*
- The Industry Categories should be broken into sub categories, i.e, Agriculture produced by small, medium, large entities; Manufacturing by light, medium, heavy entities; Wholesale sold to retail, commercial, industrial, governmental entities; Retail sales by food, clothing, tourism entities; Type of services provided to type of retail, commercial, industrial entities. It is one thing if "retail" and "services" are 80% tourism oriented but quite another is only 20% is for tourism.
- It would also be important to show the breakdown of employment by Transportation Industry, Financial industry, federal, state and local government as well as by small, medium and large business.
- The text indicates that *"Each Bay Area Port is at risk of losing crucial business to competing ports in the Seattle Area and in Southern California . . . due to congested ground transportation, poor rail freight service."* This is most unfortunate because studies show that international commerce via ocean is expected to quadruple.
- Vehicle operating cost figures and applicable tables MUST be updated to include insurance costs.
- The assumption that *"truck drivers comprise a large portion of business travelers on the highway"* is probably inaccurate in that a substantial number of small business owners and employees perform business trips using automobiles. The number that do would likely have a substantial impact on the data tables and the conclusions reached.
- The "value of time" based on the hourly wage of truck drivers probably is substantially

understated, again because of the number of small business owners and employees on the road, plus the "hourly rate" of executives, et al.

Furthermore, I am confident that the "value of time" figure is substantially greater than \$24.50 per hour. This figure only covers the cost of the employee. The revenue his hourly efforts generate must be substantially greater than only his cost or the business would go out of business. And thus, the time he waits in gridlock costs a great deal more than \$24.50 per hour. And finally, this would have substantial impact on the tables and conclusions reached.

■ If "80 percent of vehicle hours traveled in major metropolitan areas are personal vehicle trips" hold true in the Bay Area then it is clear that a campaign should be launched to encourage this category of driver to "Please stay off the road during commute hours so that working people can get home sooner, save gas, improve the environment and generally live a happier life."

■ ABAG's projections for growth "estimated at 35 percent between 1990 and 2010" must be addressed politically and economically and not in terms of achieving but rather reducing this figure because the quality-of-life will seriously deteriorate and the socio-economic impacts will be monumental.

■ Averaging A.M. and P.M. peak hour commute period speed is a fatal flaw, particularly in San Francisco, because of reduced stacking capacity and gridlocked intersections in the afternoons. This affects the Commute Period Speed tables.

■ Regarding the Industrial Development Potential table. Where is Mission Bay? How old is the data used in the EIR and the tables presented?

## SUMMARY OF IMPACT FINDINGS

### POTENTIALLY SIGNIFICANT ADVERSE IMPACTS

#### Access and Mobility

■ Page 161 para 5: (Fatal Flaw) "No regionally significant adverse impacts would occur." How can this be stated when a sentence in the same paragraph says ". . . however, the 1990 level of mobility is not maintained." It follows that there will also be a degradation in terms of air quality too because pollutants volume is higher in the speed ranges projected.

In sum, the EIR essentially communicates that "the Project is fine, nothing negative is going to happen and life will be rosy." Sounds like the compromised Mission Bay EIR - a \$4.7 billion plan that will raise the cost of living by \$282 per month for every man, and child living in the San Francisco. The Bay Area transportation budget is about \$8.1 billion. So much for the integrity of EIR's.

Very truly yours,

Dehnert C. Queen  
Founder and CEO

DCQ:lj

SBDC Study: "San Francisco Public Hearing Policy," August, 1990, 1 page  
SBDC Presentation: "Embarcadero Plaza Citizen Advisory Committee," March 26, 1991, 20 pages  
SBDC "Preliminary Proposal, Update 8J", November 1, 1990, 36 pages  
SBDC Study: "A Unifying Theory of Political Corruption," February 1990, 28 pages  
SBDC Study: "Fiscal, Financial & Social Evaluation of the Mission Bay Infrastructure Projects," June 1990, 54 pages  
SBDC Letter to Mr. Hank Dittmar, MTC, re New Rail Starts Program, January 14, 1991  
SBDC Letter to Members, Board of Supervisors, re Fatal Error, Mission Bay EIR/Development Agreement, January 7, 1991  
SBDC Letter to Mr. Joe Cheung, Dept of Public Works, re Waterfront Transportation Project EIR, December 23, 1990  
SBDC Letter to Members, Board of Supervisors, re Fatal Error, Mission Bay EIR/Development Agreement, December 10, 1990  
SBDC Letter to Members, Board of Supervisors, re Compliance Gov Code 65009, Mission Bay Dev Agreement, November 15, 1990

cc: Small Business and Trade Associations  
Media Representatives  
Grand Jury

**Response to Comment  
Letter C11**

RESPONSE C11-1	This is not a comment on either the DEIR or the CAP. No response necessary.
RESPONSE C11-2	Comment noted.
RESPONSE C11-3	The reports and letters cited are beyond the scope of the CAP EIR. Many relate to planning issues specific to the City and County of San Francisco. Regarding comments on MTC's <u>Regional Transportation Plan EIR</u> , the proper forum for these comments is the public review process for that EIR.
RESPONSE C11-4	The District notes the author's opinion, but does not share his views. The District disagrees that the plans, projects, and projections developed by ABAG and MTC are based solely on political expediency. On the contrary, numerous workshops, extensive modeling efforts, and a wide range of professionals have contributed to these plans, projects, and projections.
RESPONSE C11-5	Comment noted.
RESPONSE C11-6	This is a comment on the MTC <u>RTP EIR</u> , not the CAP EIR.
RESPONSE C11-7	Comment noted.
RESPONSE C11-8	Comment noted.

The attachments provided with the comments do not address the environmental analysis or the 1991 Clean Air Plan and thus are beyond the scope of this EIR.







# SANTA CLARA COUNTY MANUFACTURING GROUP

August 16, 1991

**GARY BURKE**  
President

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**Working Council Chair**  
**JOHN HAMMETT**  
Sr. Vice President  
San Jose Mercury News

Mr. Henry Hilken, Planner  
Bay Area Air Quality  
Management District  
939 Ellis Street  
San Francisco, CA 94109

Dear Mr. Hilken:

On behalf of the Santa Clara County Manufacturing Group, I would like to take this opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Bay Area 1991 Clean Air Plan (CAP).

By way of reference, the Manufacturing Group is a trade association which was formed 14 years ago by David Packard of Hewlett-Packard. It represents 110 of the larger high tech companies in Silicon Valley, which employ approximately 225,000 area residents.

Pg. 2-9: The EIR clearly states that the "Accelerated Market-Based TCM" is the "environmentally superior alternative." Several questions are raised as to why this approach is not being pursued more vigorously:

1. Implementation of Phase III measures is listed as sometime "after 1997." If Market-based measures are honestly being considered, then why isn't a target date listed for its implementation. "After 1997" could be never, or 100 years from now.

2. The Air District believes that legislative authority to implement Market-based TCM's cannot be achieved at a more accelerated pace. It is the Manufacturing Group's concern that BAAQMD's efforts to find authors in the legislature have been woefully inadequate. The Manufacturing Group and the Business Air Quality Policy Committee's (BAQPC) repeated offers to help the Air District to gain legislative support have been practically ignored. Specifically, the Manufacturing Group would like to know what attempts have been made by the Air District to find legislative authors, what

C12-1

C12-2

C12-1

Market-based measure or measures is the Air District pushing for future legislation, what legislators have been approached, when were they approached, by whom where they approached, and what was the outcome?

C12-3

Pg. 3-12: The EIR states that air quality categories are based on date of projected attainment, rather than by the level of the exceedances. The EIR then contradicts itself in the same paragraph by stating that the "BAAQMD has declared itself as having 'severe' air pollution." This paragraph needs to be corrected.

C12-4

Pg. 3-17: This page of the EIR sites the State air quality standards. These are significantly different than the Federal health-based air quality standards. Why does this difference exist. Is there an assertion by the State, and therefore the Air District, that the Federal standards do not protect public health? If they are in fact health-based, then what specific grounds does the state have for making its standards more stringent? If the Federal standards are sufficient in protecting public health, then why shouldn't the State standards conform to the Federal standards? What is the process for setting the standards under the Federal system and the State system?

C12-5

Pg. 3-21: The second paragraph on page 3-21 states that emissions reductions of as much as 75 percent may be needed to achieve the State ozone standard. In earlier comments, Air District staff has stated that "even a 75 percent reduction in emissions would not attain the standard." How does one account for this contradiction? More importantly, is the standard attainable? What reduction in emissions would be necessary to attain the standard?

C12-S1

Pg. 3-26: In discussing parking fees, the EIR states that "fees would first be used on-site to provide incentives for ridesharing and transit use." By stating where fees would first be used, implies that down the line they would be used for other purposes. For what purposes, and by whom?

C12-P

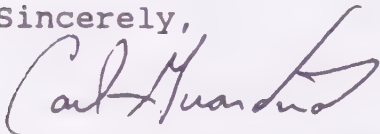
After careful and thoughtful review of the EIR, it is the contention of the Manufacturing Group that the Accelerated Market-based strategy to relieve traffic congestion and to further improve air quality is the only sound approach to implementing the CA Clean Air Act. With this in mind, the Manufacturing Group



Page Three  
DEIR Letter  
August 16, 1991

(which has been working with BAQPC) encloses the BAQPC position statement on transportation control measures. The Manufacturing Group continues in its willingness to work with the Air District in seeking legislative support for Market-based measures. We sincerely await your response.

Sincerely,



Carl Guardino, Director  
Transportation and Land Use

CG:bf

Enclosure

BUSINESS  
AIR QUALITY  
POLICY  
COMMITTEE

STATEMENT OF PRINCIPLES ON TRANSPORTATION CONTROL MEASURES  
REQUIRED BY CALIFORNIA CLEAN AIR ACT OF 1988

April 17, 1991

C12-P

1. The Business Air Quality Policy Committee (BAQPC) strongly supports the California Clean Air Act's primary goal: continued improvement of the region's air quality. We also consider that goal to be directly linked to reduced traffic congestion, which will facilitate greater personal mobility, more efficient movement of goods, better quality of life, and sustained growth of the Bay Area economy. While the private sector is committed to reducing congestion and improving air quality, those objectives cannot be achieved without a significant expansion of public transit and transportation alternatives.

2. BAQPC also supports the California Clean Air Act's mandate that transportation control measures (TCM's) be evaluated according to "cost effectiveness . . . technological feasibility, total emission reduction potential, the rate of reduction, public acceptability, and enforceability." (Section 40922) Cost effective measures should ensure that the regional economy will continue to grow and prosper.

3. As proposed in the draft Bay Area '91 Clean Air Plan, the initial phase of the TCM element will not achieve a significant reduction in auto emissions. According to the Bay Area Air Quality Management District, Phase I trip reduction and indirect source control programs will reduce emissions by only 2.5%. This failure is attributable to the California Clean Air Act's reliance on employer-based programs affecting only one-fifth of all auto trips in the region.

4. BAQPC has evaluated the Phase I elements of the TCM plan and recommends that the Air District, in its rule development process, adopt the following objectives:

Trip Reduction Rule (TCM 2)

- \* Avoid redundancy and conflict with existing Transportation Systems Management (TSM) ordinances and new ordinances required by congestion management legislation;
- \* Preserve maximum employer flexibility in meeting trip reduction goals;
- \* Rule development workshops must be widely advertised and conducted as genuinely cooperative endeavors.

Indirect Source Rule (TCM 16)

- \* Adhere scrupulously to California Clean Air Act's injunction that indirect source control does not constitute "an infringement on the existing authority of counties and cities to plan or control land use" (Section 40716);

BAQPC is a coalition of  
business associations and  
employers advocating  
transportation measures  
improve air quality.

Bay Area Council  
10 Pine St., Suite 300  
San Francisco, CA 94104  
(415) 981-6600

San Jose County  
Manufacturing Group  
101 Great America Pkwy.  
Santa Clara, CA 95054  
(408) 496-6801

- \* Develop practical parameters and sensible attainment goals for the indirect source control program, taking into account criteria such as size, duration, and impact of sources;
- \* Cost/benefit analysis in the rule development process must demonstrate the necessity of site design and facility retrofit requirements;
- \* Early publication of estimated hydrocarbon reduction resulting from indirect source control.

Public Education Program (TCM 17)

- \* Dispel public misconceptions about worsening air quality and role of commute trips in contributing to pollution; emphasize that regional air quality is improving and that non-commute trips contribute significantly to pollution;
- \* Stress congestion relief as well as demonstrable health effects of Bay Area auto emissions;
- \* Private-public partnership must include shared authority over program content, strategy, and budget.

5. BAQPC believes that a market-based strategy is the most effective means of complying with the California Clean Air Act. A market strategy affects all travel, not just commuters, and the Air District has estimated that it would substantially reduce auto emissions. Accordingly, BAQPC advocates the following market measures: smog fees, enhanced vehicle inspection and maintenance programs, new or higher tolls on bridges and highways, and increased gasoline taxes. Revenue generated by such measures should be used to benefit directly and equitably those paying the fees through timely transportation improvements.

6. BAQPC urges the Air District to take a leadership role in advancing the priority of the market-based approach. BAQPC pledges to work with the Air District and other interested parties in seeking legislative authority to implement the market strategies outlined above.

7. BAQPC further believes that the Bay Area cannot make significant headway toward attaining state ozone standards unless we pursue a market strategy. If the State Legislature is unwilling to authorize such a strategy, then it must amend the California Clean Air Act to redefine the violation of state standards relative to allowable exceedances, expand non-attainment categories, and postpone compliance deadlines. In brief, the Legislature must either allow us an achievable goal and the means to comply with its clean air mandate or revise the mandate itself.



List of Endorsers

AT&T  
Bank of America  
Bay Area Council  
Bay Area Economic Forum  
Bay Area League of Industrial Associations  
Building Industry Association of Northern California  
California Business Properties Association  
Campbell Chamber of Commerce  
Contra Costa Council  
Hewlett-Packard Company  
International Council of Shopping Centers  
Kaiser Permanente  
Marathon U.S. Realties, Inc.  
Measurex Corporation  
National Association of Industrial and Office Parks  
    - Silicon Valley Chapter  
New United Motor Manufacturing, Inc.  
Oakland Chamber of Commerce  
Pacific Bell  
PG&E  
Public Affairs Council of Santa Clara/San Benito Counties  
San Francisco Chamber of Commerce  
San Jose Metropolitan Chamber of Commerce  
San Mateo County Economic Development Association  
Santa Clara County Manufacturing Group  
Santa Rosa Chamber of Commerce  
Sonoma County Alliance  
Sonoma County Manufacturing Group

(partial list)

**Response to Comment  
Letter C12**

**RESPONSE C12-1**

See Response B5-1.

**RESPONSE C12-2**

As noted in Response B5-1, the Final CAP reflects the District's commitment to pursue expeditious implementation of the market-based measures. The District will pursue authority for market-based measures immediately (Phase 1), with the objective of implementing these measures, in conjunction with expansion of transportation alternatives and programs to address equity impacts, in Phase 2. Thus, implementation of market-based measures is accelerated from Phase 3 to Phase 2.

The District welcomes SCCMG's continued support in seeking the legislative authority needed to implement market-based measures.

**RESPONSE C12-3**

There is no error on page 3-12 of the EIR. According to the California Clean Air Act, the classification of a district depends upon its expected date of compliance with the standard. The phrase, "The BAAQMD has declared itself as having 'severe' air pollution with regard to ozone...", means that the District cannot demonstrate attainment of the California ozone standard by 1997 and, therefore, that it must be a "severe" area under the CCAA's definitions.

**RESPONSE C12-4**

Ambient air quality standards, both the federal and State standards, are set at a level judged to be protective of public health, with "an ample margin of safety" after reviewing available medical, epidemiological and health effects studies. The California standards provide a greater margin of safety than the federal standards. Both the State and federal standards are established through similar review processes (i.e., available medical, epidemiological and health effects studies are reviewed and evaluated by health professionals). The resultant "health assessment" is then provided, with a recommendation for the level of the standard, to the entity empowered to adopt ambient air quality standards. At the federal level, the U.S. Environmental Protection Agency (EPA) Administrator has authority to adopt ambient air quality standards. EPA uses its own staff and their Science Advisory Board to complete the health assessment. At the State level, the California Air Resources Board (ARB) has authority to adopt ambient air quality standards. ARB relies upon the State Department of Health Services to complete the health assessment.

**RESPONSE C12-5**

The statement on page 3-21 of the DEIR is, "Finally, emission reductions of as much as 75 percent for either ozone precursor, or both, may be required to attain the State ozone standard."

[Emphasis added.] While the source of the quote, "even a 75 percent reduction in emissions would not attain the standard," is not identified, the District does not disagree with it.

The second bulleted item on page 3-21 of the DEIR is revised as follows: "Finally, emission reductions of up to 75 percent or more for either ozone precursor, or both, may be required to attain the State ozone standard."

At this time, the District has not predicted specific quantities of emission reductions needed to attain the State ozone standard. Refinements in the District's photochemical modeling may provide such estimates in future CAP updates. The strategy of the 1991 CAP is based on the CCAA requirement to reduce emissions of both ozone precursors through the expeditious implementation of all feasible measures.

RESPONSE C12-S1

See CAP Socioeconomic Report, Response to Comments document.

RESPONSE C12-P

See Section 1.2 regarding comments on the CAP.



FROM: ADPO 8/19/91

DAPCO CITIZENS

DAPCO LETTER

ADMIN

CLD

ENV

LEG

PLN

PRO

REG

TECH

TRN

WTR

WTR



CITIZENS  
FOR  
A LETTER C13  
BETTER  
ENVIRONMENT

August 19, 1991

Milton Feldstein  
Air Pollution Control Officer  
Bay Area Air Quality Management District  
939 Ellis Street  
San Francisco, CA 94109

Attn: Henry Hilken, Planner

Re: Comment on Draft Environmental Impact Report (EIR) for the  
Bay Area Clean Air Plan (CAP)

Dear Mr. Feldstein:

Citizens For A Better Environment on behalf of its more than  
20,000 Bay Area members submit the attached comments on the  
above-described Environmental Impact Report and Clean Air Plan.

We wish to compliment the staff on its efforts over the last  
months to put together a comprehensive plan for air quality. We  
note that there are several important steps taken in this plan,  
such as NOx controls, refinery regulations, indirect source  
control requirements, and TCMs which have the potential to make  
significant breakthroughs in air pollution control.

However, there are serious substantial flaws in the control  
measure analysis of the CAP and the supporting EIR, which if not  
remedied, could undermine the success of these efforts and miss  
important opportunities to protect public health and the  
environment. The CAP and EIR further appear to have been based  
upon a socio-economic report that in the opinion of our  
consultant is one-sided as to costs and benefits, replete with  
calculation errors, conspicuously understated as to economic  
benefits from improved public health, and troubling in its gross  
misjudgment of the impacts upon low-income communities.

The EIR generally fails to properly consider or discuss the  
following alternatives:

1. An alternative that achieves compliance by 1997;
2. An alternative that adopts all feasible measures  
producing at least 5% per year reductions in emissions including:
  - a. All measures considered in the  
development of the Los Angeles Plan;
  - b. Stronger TCMs, including a highway  
conformity analysis based upon state  
standards and a strong indirect source  
control rule that minimizes auto use and its

State Headquarters: 501 Second Street, Suite 305 San Francisco, CA 94107 (415) 243-8373

2131 University Ave., Suite 436  
Berkeley, CA. 94704  
(415) 841-6163

C13-1

122 Lincoln Blvd., Suite 201  
Venice, CA. 90291  
(213) 450-5192

C13-1

C13-2

C13-S1

C13-3



Milton Feldstein  
August 19, 1991  
Page Two

accompanying air and water pollution;

c. Stationary source controls previously suggested by CBE.

C13-4

The EIR further fails to consider stronger mass transit and storm water pollution source controls as mitigation for various impacts of the Plan's alternatives. These mitigation requirements should be added.

C13-S2

The EIR finally fails to address the true costs and benefits of a stronger air pollution plan. We believe a stronger plan will benefit the entire community both economically and through improved public health.

Very truly yours,

Alan Ramo  
Legal Director

Julia May  
Northern California Air Pollution  
Director

Greg Karras, Director  
Clean Bays and Coastal Waters Program

# EIR COMMENTS BY CITIZENS FOR A BETTER ENVIRONMENT

## I. THE EIR MUST FULLY DISCUSS ALTERNATIVES AND MITIGATION AS REQUIRED BY CEQA.

C13-5

We base our concern about the lack of consideration or public discussion of alternatives in the fundamental precepts of the California Environmental Quality Act. The Environmental Impact Report (EIR) is the heart of the California Environmental Quality Act. Citizens of Goleta Valley v. Bd. of Supervisors ("CGV") 52 Cal3d 553 (Dec. 1990); Laurel Heights Improvement Assn. v. Regents of University of California ("Laurel Heights") 47 Cal.3d 276, 253 Cal.Rptr. 426 (1988). It is the "environmental 'alarm bell' whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return." County of Inyo v. Yorty, (1973); Laurel Heights, supra.

The EIR's purpose is to inform the public and its responsible officials of the environmental consequences of their decision before they are made. Thus, the EIR "protects not only the environment but also informed self-government." Laurel Heights, supra, 47 Cal.3d at p. 392; CGV, supra, 52 Cal.3d at p. 564.

### A. THE CORE OF AN EIR IS THE ALTERNATIVES AND MITIGATION SECTIONS.

The core of an EIR is the alternatives and mitigation sections. CGV, supra, 52 Cal.3d at 564. One of an EIR's major functions is to ensure that all reasonable alternatives to a proposed project are thoroughly assessed by the responsible agency. Laurel Heights, 47 Cal. 3d at 400. In general, an EIR should set forth the alternatives that were considered by the lead agency and rejected as infeasible during the scoping process, and the reasons underlying the agency's determination. CGV, 52 Cal.3d at 567; Laurel Heights, 47 Cal.3d at 404-405.

"The key issue is whether the selection and discussion of alternatives fosters informed decisionmaking and informed public participation. Guidelines Section 15126, subd. (d)(5)." Laurel Heights, 47 Cal.3d at 404 (Emphasis in original).

Without meaningful analysis of alternatives in an EIR, neither the courts nor the public can fulfill their proper roles in the CEQA process. Id. It remains the project proponent's responsibility to provide an adequate discussion of alternatives regardless of whether alternatives are suggested by the public. Laurel Heights, 47 Cal.3d at 405.

### B. THE CONSIDERATION OF ALTERNATIVES MUST BE DESCRIBED IN THE EIR AND DISCUSSED IN DETAIL.

Those alternatives considered and rejected and the reasons they were rejected must be discussed in the EIR and in sufficient detail to enable meaningful participation and criticism by the public. Whatever is required to be considered in an EIR must be in that formal



report. What any official might have known from other writings or oral presentations cannot supply what is lacking in the report. Laurel Heights, 47 Cal.3d at 405.

"As we have frequently observed, it is only the EIR that can effectively disclose to the public the 'analytic route . . . the agency travelled from evidence to action.'" Topanga Assn. for a Scenic Community v. County of LA (1974). Quoted in CGV, 52 Cal.3d at 568.

To fulfill CEQA's informational role, the EIR must contain facts and analysis, not just the agency's bare conclusions or opinions. CGV, 52 C.3d at 568; Laurel Heights 47 Cal.3d at pp. 404-405. Conclusionary comments in support of environmental conclusions are generally inappropriate. Laurel Heights, 47 Cal.3d at 404. An EIR must include detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project. Id. at 405.

"The analysis must be specific enough to permit informed decision making and public participation. The latter function is especially important when, as in this case, the agency approving the proposed project is also its proponent or closely related to its proponent." Id. at 406.

This analysis should include empirical or experimental data, scientific authorities or other explanatory information that provides a basis for a comparison of the problems involved with the proposed project and the difficulties involved in the alternatives. Citizens To Preserve The Ojai v. Ventura Cty., 176 CA3d 421, 22 Cal.Rptr. 247, 251 (1985); Whitman v. Board of Supervisors (1979) 88 Cal.App.3d 297, 411, 151 Cal. Rptr. 866.

C13-6

C. MITIGATION WHETHER REQUESTED BY A  
COMMENTER OR NOT MUST BE SPECIFICALLY  
DISCUSSED AND REQUIRED IF COST-EFFECTIVE.

The EIR identifies significant effects of a project on the environment and the way those effects can be mitigated or avoided. Laurel Heights, supra; Pub. Resources Code Sections 21002.1. subd. (a), 21061, 21100; Guidelines 1121,15126. Before approving the project, the lead agency must certify it has considered the final EIR, and must make findings that the project's significant environmental effects have been avoided or mitigated, or that unmitigated effects are outweighed by the project's benefits. Laurel Heights, supra; Pub. Resources Code Sections 21002, 21002.1, 21081; California Environmental Quality Act Guidelines Sections 15091, 15093.

Public agencies must require all feasible mitigation measures which would substantially lessen or avoid the significant environmental effects of projects. Pub. Resources code Section 21002.1(b). Feasible means "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental,

social, and technological factors." Pub. Resources Code Section 21061.1.

If an agency rejects a proposal by the public for mitigation of a significant impact, the agency must explain why it is unreasonable or ineffective in the EIR. Laurel Heights, supra; Village Laguna of Laguna Beach, Inc. v. Board of Supervisors (1982) 13 Cal.App.3d 1022, 1035. Including studies relied upon enables complete information and evaluation by the public. Laurel Heights, supra.

**II. IN THE CASE OF THE DISTRICT'S EIR, ALTERNATIVES  
REQUIRED TO BE REVIEWED UNDER THE CALIFORNIA CLEAN  
AIR ACT WERE REJECTED WITHOUT ADEQUATE  
CONSIDERATION OR DISCUSSION IN THE EIR.**

Under Health and Safety Code Section 40919, the District could have proceeded as a "serious" area where attainment was required by 1997. This alternative plan would be required if the attainment date of 1997 was practicable and cost-effective.

We do not see any detailed discussion within the EIR why this alternative was not practical. The District states that it merely "declared itself as having "severe" air pollution with regard to ozone" without explanation. Page 3-12. There is a general conclusionary statement at page 3-21 that:

Finally, emission reductions of as much as 75 percent for either ozone precursor, or both, may be required to attain the State ozone standard.

The report then concludes:

Because a practical strategy for achieving a 75 percent reduction in ozone precursors cannot be achieved by 1997, the Bay Area cannot demonstrate attainment of the State ozone standard by 1997.

There is also a statement at page 6-1 that:

alternatives that are significantly more stringent than the proposed CAP are not considered feasible. This is because in order to meet the requirements of the CCAA for severe areas, the CAP already includes all feasible control measures. The net result is that the range of feasible alternatives for this project is much narrower than is generally the case in CEQA documents. . . .

Numerous alternatives in addition to those selected for review were considered for analysis. Many of these alternatives were rejected because they could not feasibly attain the basic objective of the project.



These tautological unsupported assertions do not suffice as suitable discussion in an EIR. As discussed above, mere conclusions are not sufficient for purposes of an EIR. There is no assurance that stronger measures that are feasible because they reduce air and water pollution impacts and avoid substantial water pollution mitigation costs have been considered. There are a variety of measures available for air pollution control, and many that provide these additional benefits, which are not in this CAP and EIR. The District should make available the basis for these conclusions and consider whether other measures used or considered in other communities would be feasible. We and other organizations have listed specific measures including the measures considered in the Los Angeles plan. The EIR should specifically state why these measures cannot be implemented.

C13-8

Similarly, under Health and Safety code Section 40914(b)(2), the District must adopt measures accounting for 5% reductions per year or at least all feasible measures and an expeditious adoption schedule. The District should specifically discuss an alternative that adopts at least 5% reductions per year. As the District is only proposing 3% per year reductions, the District should specifically explain why other measures cannot be adopted earlier.

C13-P

Sierra Club and Greenpeace have provided the District with a discussion of measures in Los Angeles and we join in their concerns. We have also previously written the District regarding additional measures, and attach this comment dated July 23, 1991 and incorporate it herein by reference as Appendix 1. We also join in the comments provided to the District by CLEAN South Bay. These comments show that stronger air quality measures can avoid significant adverse environmental impacts to San Francisco Bay that municipalities estimate may cost many millions of dollars to mitigate, if air pollutants that become urban runoff pollutants are not stopped at the source. We further note that the Plan's vagueness and conclusions regarding adoption and implementation dates suggests that a further refinement and tightening with dates certain and reductions required would produce a stronger alternative. The failure to have earlier adoption and implementation dates should be fully explained.

C13-9

In this comment, we wish to stress in particular severe deficiencies in discussion for two potential measures. The EIR at page 6-2 refers to a "strict" indirect source control rule. However, it fails to explain why a stronger rule with greater reductions is not possible. We note the 1982 Plan discussed a range of indirect source control measures more strict than the proposed rule. A far more thorough consideration and public discussion is required.

C13-10

Second, the EIR dismisses a conformity assessment based upon state standards because it is not required:

It is important to note that the CAP is not a SIP. The CAP is designed to meet the requirements of the California Clean Air Act, not the 1990 federal Clean Air Act Amendments. . . . However, while the federal CAA requires



conformity of the Regional Transportation Improvement Program (RTIP) and RTP to the SIP, the CCAA does not require the TIP and RTP to conform to the CAP. EIR at 4.2-10.

We agree that conformity is not listed as a specific minimum requirement in the California Clean Air Act, but all feasible measures are required, particularly as the District claims it cannot attain by 1994 or even 1997 and it cannot attain 5% reductions per year. Conformity based upon computer analysis is feasible, as demonstrated in the federal action against MTC, described at page 4.2-10 of the EIR. If this computer modeling used state standards and emission reduction requirements as its criteria, it would avoid dramatic emission increases and provide far more important mitigation measures than are now proposed.

Under the Court's order, this conformity process also requires a carbon monoxide hot spot analysis. Thus a conformity process would be an available cost-effective mitigation measure avoiding the most important adverse impact raised by the report as to its preferred alternative. The failure of the EIR to include such an analysis is a clear, gaping flaw in the report.

The authority of the District to require this analysis is now clear under State law. Under the California Clean Air Act, a district shall adopt, implement, and enforce transportation control measures for the attainment of state or federal ambient air quality standards to the extent necessary to comply with Section 40918, 40919, or 40920. Health and Safety Code Section 40717(a). As MTC has failed to deliver a satisfactory plan, the District now can order a proper conformity assessment for all federal highway projects and make that a condition for any approval by MTC.

An alternative with these measures could be the preferred alternative, as they provide important additional environmental benefits. These stronger indirect source control and conformity alternatives can address serious environmental impacts of water pollution. Transportation air pollution of urban runoff is the biggest polluter of San Francisco Bay that is not yet regulated for its water pollution impacts. The comments of CLEAN South Bay show that increasing or reducing vehicle use will cause a significant corresponding increase or reduction in runoff pollution that now violates water quality standards and causes toxic impacts in San Francisco Bay and its tributaries. These same vehicle use changes affect air emissions violating air quality standards. If alternatives that effectively reduce air pollution and poison runoff at the source by reducing the use of the automobile are not selected, these comments further show that municipalities estimate the cost of mitigating water quality impacts may reach hundreds of millions of dollars for each mid-sized or large municipality.

Accordingly, the EIR should discuss how even stronger indirect source control alternatives will reduce runoff pollution through land use policies that reduce the need for car use and provide additional mechanisms and resources to augment cleaner public transit. It

should discuss how a stronger alternative using conformity will shift resources from further investment in automobile infrastructure and increases in runoff-producing pavement, to transit that encourages reduced vehicle use. It should discuss the reduction in runoff volume and runoff pollution produced by these measures.

The EIR should compare these and other alternatives in sufficient detail to show how the stronger alternatives will cause substantial environmental benefits for the Bay. It should specifically discuss and compare the mitigation costs of selecting an alternative that fails to adequately reduce automobile use thereby increasing poison water runoff to the Bay. The EIR should especially detail how these critically important benefits of stronger alternatives and substantial mitigation costs of weaker measures influence its analysis of what alternatives the District considers practical, cost-effective, and feasible.

C13-11

**III. DISCUSSION OF ALTERNATIVES REJECTED SHOULD INCLUDE SPECIFIC REFERENCE TO SOCIO-ECONOMIC JUSTIFICATION.**

It is our understanding that the District's failure to include certain alternatives schemes or measures was based upon an internal assessment of their popularity or political acceptability, based in part on the District's socio-economic analysis. This basis should be fully explored in the EIR. Attached to CBE's comments as Appendix 2 is our consultant's critique of the socio-economic analysis. In our view, this analysis is unfairly one-sided in evaluating costs and benefits, riddled with errors, alarmingly understated in its evaluation of the economic benefits of improved public health, and grossly misjudges the impacts upon low income communities.

Instead, we believe the data support our view that additional cost-effective measures could produce greater air pollution reductions as required by the statute and particularly benefit low-income communities. Since the EIR suggests that a market-based alternative apparently supported by big business groups is the environmentally preferred alternative, we are concerned that the socio-economic analysis relied upon by the District has permeated the entire EIR analysis avoiding proper consideration of alternatives that include available cost-effective measures to reduce pollution.

Our consultant specifically calls for an economic analysis of the economic benefits of improved health as well as a report that properly allocates costs and benefits for low income communities and the general public. The EIR should reevaluate the feasibility of alternatives suggested by CBE and others that have been rejected based upon accurate socio-economic data. In our view, this reevaluation could mean that an alternative with far greater reductions of pollution would be feasible. Further, based upon the impacts of water pollution, alternatives with less reductions may prove to be infeasible as it will pass pollution costs that are unbearable to cities now required to control non-point source pollution and storm drain discharges.



As to general political popularity, the Bay Area public wants stronger stationary source controls on industrial air polluters. Concerns over public acceptance of reduced vehicle use undeniably argue for swifter improvements in public transit options.

#### IV. MITIGATION NEEDS TO BE STRENGTHENED.

There are four areas of adverse impacts discussed in the EIR's text relating to a variety of plan activities where we believe mitigation could be cost-effectively strengthened. The first area concerns the possible use by industry of ozone depleting chemicals as substitutes for chemicals that form ground level smog. CBE has previously submitted comments concerning this problem in letters dated March 20, 1991 and June 28, 1991, attached hereto as Appendices 3 and 4.

The EIR does recognize this problem and laudably proposes to remove exemptions on their regulation and restrict the use of these chemicals. However, this mitigation requirement is far too vague. CBE specifically requested that there be policy language in the Plan that prohibits the use of upper-atmosphere ozone-destroying and toxic chemicals as substitutes for smog-forming chemicals. The District in its separate ozone depletion white paper and recommendations (not included in the EIR) calls only for rule-making and rules that do not encourage the use of just one of these chemicals. The EIR instead should specifically require rules that either ban or through significant financial disincentives discourages the use of these chemicals as substitutes, and aggressive rule making that phases out the use of these chemicals entirely.

The second area of impacts relate to various construction activities, new facilities, and transport hubs, and alternatives that allow less than maximum reductions in air pollutants that contribute to poison runoff. The impact is water pollution from the activities and facilities in these alternatives that is caused by runoff sweeping air pollutants into streams and the Bay during storms.

We believe the District should require that additional runoff control measures be required before new activities that cause these impacts are permitted. The most effective of these measures is elimination of unnecessary car use and pavement coupled with alternative or reduced transit. This would remove the toxic inputs and reduce runoff flooding the source. Secondly, various low-runoff designs, pollutant barriers and toxic reduction housekeeping techniques and structural barriers could be required. This should be coordinated with water quality officials.

Further, failure to select stronger alternatives could foreclose options for reducing poison runoff violations of the Clean Water Act at their air pollution sources, and force expensive end-of-pipe storm water treatment as the only remaining option for meeting Clean Water Act standards. Throughout most of the Bay Area, urban runoff flows to the Bay through separate storm drains that have no treatment systems like those provided for domestic

C13-12

C13-13



wastes in sanitary sewers. Only San Francisco provides treatment to some runoff in its combined sewers.

C13-14

Since some alternatives effectively reduce air and water pollution impacts, and other alternatives allow air emissions that also pollute the Bay, the EIR should discuss mitigation for these impacts. This discussion should include the "end-of-pipe" treatment of discharges from municipal storm drain systems that is discussed above. It should discuss how this mitigation could substantially lessen runoff pollution impacts of these air emissions, albeit less effectively than source controls.

C13-15

The third area of impacts is local carbon monoxide hot spots at transport hubs, due to a concentration of parking. We suggest a further review and requirement of additional mass transit and automobile alternatives be considered. This can, at the same time, cost-effectively accomplish mitigation for some runoff impacts discussed above. Conformity analysis is an essential mitigation technique for this impact.

C13-16

The fourth impact relates to the transportation of ammonia. Ammonia as noted is extremely toxic. Mitigation at a minimum should include full notice to communities where ammonia is being transported to and stored, with full disclosure of accident prevention analyses and plans. Alternative storage locations as well as alternative technologies for the processes using ammonia should be reviewed as now suggested in the EIR. Ammonia use should be eliminated.

C13-17

#### V. CBE REQUESTS A COMPLETE RESPONSE TO THESE COMMENTS.

At the informational meeting on the Plan, CBE and other groups put forward similar comments as discussed above, yet to our disappointment, the District did not include a discussion in the EIR in response. When the public has put forward comments and proposed alternatives, it is the duty of the lead agency to evaluate and respond to any significant environmental question presented. CGV 52 Cal.3d at 567. If a draft EIR is so deficient as to eliminate meaningful discussion, the final EIR could be deemed faulty regardless of its quality as the process eliminated an important step for public comment and dialogue.

We note with appreciation that the Board and staff scheduled numerous public meetings to hear comments. We further note that the staff met privately with representatives of our group and the Sierra Club. However, to assure a proper plan and a focused public discussion and debate of the issues, we request a specific response to our comments so we can be assured that all issues have been thoroughly considered and addressed.

#### SPECIFIC COMMENTS BY PAGE

The following are additional specific references in the report where the above-described issues need to be addressed:

page 2-1. Did not prior state law require plans to meet state standards?	C13-18
P. 2-7. The plan should not require construction of new lanes that will be converted to HOV. A proper conformity process would eliminate this problem in cases where additional lanes partially used as HOV increase capacity and attract and encourage additional car use.	C13-19
p. 2-9. No discussion of alternatives of 5% or doing everything in L.A and as suggested by CBE.	C13-20
P. 3-21. Assumes 75% reduction necessary and not possible without detailed explanation.	C13-21
4.1-22 Claims impossible to design mitigation for ozone hot spots, but does not explain why. Conformity hot spot analysis would be a proper mitigation here (see discussion above). What about increased use of mass transit?	C13-22
4.1-26 No explanation of why full electrification or conversion not feasible for transit? MTC should make federal money for transit conditional on conversion.	C13-23
4.1-28 Why not require more mass transit and auto alternatives to avoid the need to "park" and ride? Conformity analysis relevant here. Federal money for HOV new lane construction would be more effective to provide subsidy for cheaper mass transit.	C13-24
4.1-28 Avoid constructing new carpool/express lanes and merely convert existing lanes. Conformity analysis again helpful here.	C13-25
4.1-39 Ozone depletion language needs to be more specific in not merely restricting but banning or discouraging use with specific timetable for phase out.	C13-26
4.2-10 Conformity is an available, feasible measure that is not used either as a control measure or for mitigation.	C13-27
4.5-16 Ammonia use should be eliminated. Full public knowledge of transportation routes, accident prevention programs, and accident assessment analyses should be given during permit process. Alternative storage areas away from the public should be required.	C13-28
4.8-3 & 4; 4.10-8, 10-11. Should note that indirect sources if planned, designed, constructed or sited properly can reduce poison runoff and therefore have a positive beneficial impact. All permits for construction of transportation facilities and indirect sources should be conditioned on properly preventing runoff pollution impacts.	C13-29
6-1 "Because it is designated as severe." No explanation. No explanation for why other measures such as LA are not considered severe.	C13-30

C13-31

6-2 No explanation for why the more strict indirect source rule is not required, or other rules used across country or described in 1982 Plan not required.



## **APPENDIX 1**

7/23/91

Chairperson Cooper,  
Members of the Board, and Staff  
Bay Area Air Quality Management District  
939 Ellis Street  
San Francisco, CA 94109



Re: COMMENTS ON THE DRAFT CLEAN AIR PLAN

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TOM & MIRIAM SCHULMAN  
STANLEY K. SHEINBAUM  
OLIVER STONE  
NORM ZAFMAN

Dear Chairperson and Members of the Board,

We are writing to urge the strengthening of the state Clean Air Plan to include all reasonably available measures at the earliest practicable dates and to achieve reductions in smog precursors that will also reduce pollutants such as ozone depleters, greenhouse gases, carcinogens, and other toxics.

As it stands, the plan fails to meet any of the three major requirements of the Clean Air Act. It fails to meet the state health standards for ground-level ozone, it further fails to meet 5% reduction per year, and finally it fails even to include all reasonably available measures and to implement them as soon as practicable.

Especially since the District will be seeking funding and authority from the State for certain transportation control measures which will take some time, it is imperative that everything which is currently in the District's power be done as expeditiously as possible (for both stationary sources and transportation controls).

Many more tons per day of reductions can be reached at earlier dates than currently scheduled in the plan if for example the stationary source control deadlines are speeded up to be achieved earlier. This will buy time to put in place those measures which will necessarily take more time. Especially since the District has long experience with stationary source control measures, it is imperative that this part of the plan be carried out immediately.

Many deadlines (or almost all) have been delayed as compared to those proposed during the first workshops on the Clean Air Plan. Those deadline schedules were already protracted to begin with, and should have been tightened, rather than lengthened. We are very dismayed with these delays given the failure of the plan to achieve the requirements of the Act. The following are comments on specific categories of controls.

(cont.)



Solvents:

A9--Auto assembly coatings--(NUMMI) Further reductions have been delayed over 4 years more (to 2000+) than the original proposal that was workshopped (1/96), which was too slow to begin with. This facility is a new and major source which should be held to the strictest standards, and not given long years to continue to emit the almost 8 tons per day of pollutants.

These large emissions can be controlled through installing booths which capture vapors emitted during spraying, rather than only controlling the much smaller portion of vapors which are emitted during heating in ovens. Another possibility besides capturing all emissions in booths is to concentrate the vapors present in the currently-used large spraying areas and then control them. Instead of reductions of 1-1.5 tons per day presently proposed, much higher reductions of 6 or more tons per day can be achieved if all vapors are captured. A rule should be adopted by early '92, with reductions within a year.

A12--AECs (alternative emissions control plans) which allow companies to avoid complying directly with VOC standards should be removed immediately, not in 7/95. Because of allowing emissions averaging, AECs can result in larger emissions. They are hard to enforce, make it difficult to confirm that emissions reductions are real, are hard to administer, and may encourage creative paperwork rather than real compliance with the standards. The emissions associated with eliminating AECs may be much larger than stated in the CAP. Since AECs are alternatives to already existing rules, they can be immediately removed, requiring immediate compliance with the existing regulations.

A18--Substitute solvents--The proposed reduction date has been delayed one year for part of this measure compared to the date proposed in the workshops, when instead the schedule should be speeded up. This is despite the fact that 1) big reductions (almost 8 to 12 tons per day) are associated with this measure, 2) the South Coast already has a rule requiring low VOC content, and 3) the BAAQMD itself describes water-based, citrus-based, and other low VOC solvents as available. This rule should be set for adoption in early '92, with reductions within a year. This rule should not allow the use of ozone depleters or toxic chemicals such as TCA or methylene chloride.

A19--Ultra-low coatings--Huge reductions can be achieved through this rule (about 22 tons per day). The District is not planning adoption until sometime after 2000 (a delay from the original workshop proposal of 7/99, which was already too delayed). The District should research existing applications of the use of ultra-low coatings (UV cured or





other) and require their use immediately for similar applications which currently use higher VOC coatings in the District. Waiting until post 2000 will not provide any technology forcing incentives for expeditious development of ultra-low coatings to make them more widely available. Reporting requirements on progress toward development of such coatings for a wide variety of industries should be instituted immediately.

#### Organic storage:

B5--Marine vessel tank purging--We believe the emissions from this category are very much larger than currently indicated in the District proposal, and should be a high priority for controls. No venting of vessels should be allowed. The recently adopted rule in the South Coast District does not allow venting and purging during ballasting and housekeeping shipping operations within California waters (approximately 100 miles offshore). (Studies with tracer gases have shown that gases 100 miles offshore affect our air quality onshore.) Currently vessels in this District are venting emissions within three miles of shore.

Emissions in this category can occur when taking on ballast water after leaving the dock, which pushes out vapors which remain in the vessel after crude oil is unloaded. Judging from emissions inventoried during marine loading, emissions during ballasting could be at least in the many tons per event range. Emissions can also occur during housekeeping operations to wash down tanker walls when approaching drydock. According to the ARB (Technical Assessment Document for Reducing Organic Compound Emissions from Marine Tank Vessel Housekeeping Operations, Conducted in Preparation for Drydock Entrance, '88), a single event of crude oil washing of a large vessel can emit 90 tons. While these drydocking events in particular probably do not happen often in the District, when they do, the emissions are major.

Crude Oil Washing and other housekeeping can also occur at the dock, and purging with "inert" gas and air after leaving the dock. These events can emit large amounts of hydrocarbons, especially since so-called "inert" gas is actually a diesel product.

Some of these events appear to be common in the District. The District should inventory the frequency of these events and determine the extent of the emissions and adopt a rule by early '92 which allows no venting, effective immediately. There is no reason to delay adoption until 1994. The South Coast District has already adopted a rule requiring 95% control of these events. This rule should forbid any intentional venting.



## Refineries/Chemical plants:

A set of controls were promised in '90 at the direction of the Board to the staff, which would greatly reduce the major emissions which come from many fugitive sources from refineries and chemical plants. This set of controls would be a major step forward in reducing smog precursors and carcinogens from refineries and chemical plants.

There has already been significant delay in their adoption. The last District schedule proposed that these measures would be adopted by the 4th quarter of this year, except for flares in the first quarter of next year. Currently only valves and flanges and pumps and compressors have been workshopped (and were supposed to have been adopted already). All of these rules are now scheduled in the plan for adoption over a range of years, as late as '97. Delay in adoption of these rules should not be considered. All should be adopted at latest by early '92 and implemented within 2 years to achieve major smog reductions and to reduce cancer risk near these facilities. These include the following five rules.

C1--Valves and Flanges--As this rule is almost finished with the workshop process, a rule should be adopted as soon as it can be scheduled for a hearing (within 2 months, not in '95-97 as stated in the plan). This rule should require a 100 ppm standard to ensure that upgrading will occur to leakless seals, effective immediately.

This regulation will change the current system of waiting for detection of leaks during quarterly inspections, fixing them, and then finding them leaking again at the next inspection. There should no longer be toleration of leaks as business as usual, since available leakless technology can prevent the problem. We strongly oppose a 1000 ppm standard and lengthy compliance schedule (to '95 or later), which would amount to no improvement over the current rule. No use of these reductions for offsets should be allowed.

C2--Pumps and Compressors--This rule is also being workshopped along with valves and flanges and should be held to the same standards and schedules as valves and flanges, since leakless varieties are available.

C6--Wastewater separators--see general comments above.

C7--Refinery flares--As stated by the District, intensive monitoring of flares has shown much larger emissions than projected by average emissions factors. This information confirms the long-term community concern over the very frequent firing of flares despite

their supposed status as an emergency-only control measure. We have been urging flare controls for many years, but have seen little progress. Flare controls should be adopted immediately and implemented within 2 years.

B2--Improved storage of organic liquids--These emissions may be larger than listed; for example, emissions associated with tank cleaning are not in the District inventory.

#### NOx:

This largely uncontrolled category of smog precursors represents an untapped opportunity for reduction. In most cases not even basic NOx emissions controls are in place.

All District NOx rule proposals should be systematically compared with South Coast rules to add rules missing and to tighten up standards. Some available rules are not included in this District's plans, and some of this District plans are less stringent than those in the South Coast plan, though controls are available. For instance:

D4--Boilers, steam generators, and process heaters--This District only proposes controls for units rated at 5MMBTU/Hr or greater. The South Coast has existing and proposed rules for this category for not only greater than 5 MMBTU/Hr, but also 2-5 MMBTU/Hr, and for less than 2 MMBtu. Similar or more stringent controls should be set in this District for all these categories, to be adopted by early '92, for implementation within 2 years.

--Catalytic cracking units controls are included in the South Coast plan but missing from this District's proposal. In addition to NOx reductions, controls on this category can also reduce SOx and particulates.

The District should also investigate alternatives to ammonia for NOx controls to reduce the storage of this hazardous material.

#### Other Stationary Control Measures:

F4--Enhanced enforcement--We believe that very large reductions could be secured through this measure, and it should be adopted at the latest by early '92, with implementation effective immediately. Improved District surveillance, audits, more stringent variance procedures, and many other measures are all needed to ensure that rules adopted are actually complied with on time.



In the example of the marine loading regulation, many oil refineries are projecting delays in their compliance schedule of 6 months. This is unacceptable especially for such a major source of smog precursors and toxics which can not only increase the chance of exceedance in the region but also increase the cancer risk to workers and the community from benzene exposure. Interim progress requirements (one company apparently hadn't even ordered control equipment), and less willingness on the District's part to allow variances, could result in large reductions in emissions.

The case of Posco, Air District attorneys encouraged Posco to violate their permit in return for paying fines, two weeks after being denied a variance by the Hearing Board. This sort of tolerance for non-compliance is likely to encourage industries to allow their compliance schedules to slip.

#### Motor vehicles:

This important subject deserves full comments by itself. In this document we are focussing on stationary source controls. We also refer to earlier oral comments during the Transportation Control Plan, and to the written comments of our coalition partners from the Bay Area Coalition for Clean Air which we support. In general, we call on the District to adopt all available measures immediately, for expeditious implementation.

In addition, we call on the District to investigate the possibility that the District inventory has greatly underestimated emissions from autos. We refer to the attached comments to the South Coast District by Jim Jenal from our Los Angeles office. Mr. Jenal's investigation brought up many questions about acceleration and other events causing high emissions from autos, but not accounted for in the South Coast inventory. We ask that staff respond to these attached comments by identifying whether this District is also underestimating auto emissions in a similar fashion, and if so, to correct the inventory.

#### Additional comments:

--The 25% reduction credits which the District is offering for those categories asterisked in the plan are not appropriate and should be removed. As the District has not projected meeting the state standards nor the required 5% reduction per year, the District can't afford to give away reductions to be used as offsets. This would not meet the legal requirements to use all feasible reduction methods available.

--Upper atmosphere ozone layer-- As we proposed in March, we call for the removal of exemptions for ozone-depleting substances (such as TCA and CFC-113) and for carcinogens (such as methylene chloride) from the smog regulations, and a plan for phasing out these substances in the District. Such a phase out should be a formal part of the Clean Air Plan, as all the District rules are being reviewed anyway for opportunities to reduce smog-precursors. If exemptions are not removed, the use of ozone-depletors and toxics will likely actually increase in the District. A full inventory of emissions encouraged by District smog regulation exemptions should be done, and language should be added to the plan committing to the phaseout of ozone-depletors and toxics, specifically targetting the above mentioned chemicals for early reductions.

--Energy efficiency--The District should not only adopt all energy efficiency measures included in the plan for the South Coast District and other regions, but it should also begin workshops to develop a list of all available energy conservation regulations, including participation by citizens and public agencies, by early '92.

This should include all available conservation measures for industrial, commercial, residential, and transportation sectors. One example: solar-assisted boilers may be available which would reduce standard energy use by 25%. Energy conservation not only conserves fuel but reduces emissions of ozone precursors including hydrocarbons and NOx, and also carcinogens, CO2, and other pollutants. Much information and opportunity for control is already available, but not fleshed out in the plan.

--The District should begin publishing a document quarterly comparing its own existing and proposed rules and deadlines and standards, with those of other Districts (including proposed rules) and perhaps those of other states and countries. This document would be used to identify areas where the District is missing rules, or has less stringent standards. Identification of such deficiencies should trigger immediate scheduling of workshops for developing and adopting rules as soon as possible. This publication should begin this year, and be available for public input. Such a publication could also be used by other Districts to incorporate rules developed by this District but missing elsewhere.



↑ In addition to adopting all available means to reduce ground-level ozone, the District needs to assess the very great and diverse health and environmental risks and costs from emissions from transportation and stationary sources in this region. These risks include lung and heart disease from ground-level ozone and carbon monoxide, cancer risk from benzene, butadiene, and formaldehyde from autos, deaths from particulates, risks to children from lead exposure (unleaded gas still contains lead), risk from global warming (rising sea levels, droughts), risks from ozone depleting gases (causing Bay Area skin cancer deaths), and damage from major auto-related pollutants into the San Francisco Bay. Costs include lost work from pollution-related illness, auto accidents, large subsidization of freeways and roads over mass transit alternatives, and many other costs.

When the great cost of tolerating our present burden of pollution from stationary and mobile sources is quantified, it will become much more apparent to the public that we can't afford not to clean up the problem.

Thanks for your attention.

Sincerely;

Julia May  
Clean Air Program Director  
Citizens for a Better Environment

A handwritten signature in dark ink, appearing to read "Julia May", with a long, sweeping underline.

cc.  
Milton Feldstein  
Peter Hess  
Jan Bush



## **APPENDIX 2**

August 18, 1991

Mr. Alan Ramo, Legal Director  
Citizens for a Better Environment  
Suite 305  
501 Second Street  
San Francisco, Ca. 94107

Dear Mr. Ramo:

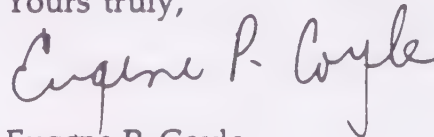
As we discussed, my colleague, Dr. David Landes, and I have reviewed the Socioeconomic Report of the Bay Area 1991 Clean Air Plan, prepared for the Bay Area Air Quality Management District (BAAQMD).

The Report is inadequate for its intended purpose as an informational document to accompany the Clean Air Plan (CAP). It has serious errors of calculation, presentation, and conception.

The Report fails to present estimates of the health benefits that can be anticipated to follow from the CAP, though making such estimates is feasible and has been done by others elsewhere.

Our review of the BAAQMD's Socioeconomic Report is enclosed. I would be happy to answer questions about it. Our discussion of measures in the CAP should not be construed as an endorsement of the measures. We merely comment on the Report.

Yours truly,



Eugene P. Coyle

C13-S3

C13-S4

## A CRITIQUE OF THE BAAQMD'S SOCIOECONOMIC REPORT

Prepared for

Citizens For a Better Environment

by Dr. Eugene P. Coyle and Dr. David L. Landes

### INTRODUCTION

The SOCIOECONOMIC REPORT on the Bay Area 1991 Clean Air Plan has a number of problems in conception, errors in calculation and presentation, and lacks or omits crucial information.

As such it can not be relied upon by the Board, nor by the Public, in reviewing the Clean Air Plan (CAP).

C13-S5

As we reviewed the Report, we were struck that its perspective and errors tended in one direction -- to emphasize the cost of the CAP and to minimize the benefits that will flow from it. The Report confuses costs with transfers, and thus fails to fully convey that a cost to one group will be a benefit for another. A major shortcoming of the Report under review is its failure to quantify health benefits, leaving one of the major potential benefits of the CAP as an abstraction. Elsewhere, others have quantified health benefits, however imperfectly, in a number of studies.

C13-S6

Aside from what appears to us to be a one-sided perspective on costs vs. benefits, the Report also emphasizes, incorrectly and without providing supporting analysis, an adverse impact on Low Income Groups. A careful reading suggests, on the contrary, that Low Income Groups, along with all other residents, will certainly benefit from cleaner air. Low Income Groups will likely benefit financially as well from the measures discussed in the CAP. And finally, since the Report projects, as far as it is able to quantify, a net gain of over



80,000 jobs, Low Income Groups may benefit by gains in employment.

### COSTS VERSUS TRANSFERS

The Socioeconomic Report confuses, for the reader, "costs" with "transfers". This is not a trivial question of semantics but a critical error in conveying information about the CAP. The idea of a "cost" is a familiar one to all of us. But a transfer describes a transaction where, essentially, funds from one party are given to another, so that it is as correct to call one side of this a profit or a gain, as it is to call the other side a cost. Since the two sides of the transaction are equal, the net cost or gain is zero.

C13-S7

Rather than show such transfers as zero, however, or as both a cost and a gain, the Summary Table of the Socioeconomic Report shows these only as costs. Table 1, the Summary Table, is one place where this erroneous reporting is most misleading. It conveys to the reader the sense of an enormous cost of the CAP. Although the Report itself notes that much of what it calls "costs" are actually transfers, both in the text and in Table 1 the amounts are dealt with as costs, not as transfers.

C13-S8

The effect of this error in the Report is to severely bias the reader against adopting the CAP.

C13-S9

### ERRORS ON "TABLE 1, SUMMARY OF SOCIOECONOMIC IMPACTS OF CAP"

C13-S10

Table 1 provides a concise summary of the CAP's impacts. It pulls together on two pages the various impacts discussed in the Report. As such it is a crucial table for the reader seeking to evaluate the CAP.

Unfortunately, Table 1 seriously misleads the reader. The errors are predominantly in one direction, inflating the costs, minimizing or omitting the benefits, and suggesting erroneously that the CAP will adversely impact low income groups in the Bay Area.

C13-S11    The following is a list of errors in Table 1:

1. Under "Employer-Based Trip Reduction" (TCMs 1, 2):

The "cost" to commuters is incorrect because the amount, \$1.46 billion, is shown as a cost. This is the amount estimated to be generated by a \$3.00/day employer fee on employee parking. Almost 90% of the revenue generated by this fee -- an estimated \$1.3 billion -- would be given to employees using transit or carpool/vanpool systems, and thus would be a benefit, not a cost.

This item is not a "cost" but a transfer, and if reported at all should be shown as both a benefit and a cost.<sup>1</sup>

(Incidentally, the Metropolitan Transportation Commission (MTC), on whose figures this section of the Report is based, has no inventory of employer-owned parking spaces in the Bay Area. The dollar figures are estimates based on census data of work trips and a model which somehow assumes that not every car that is driven to work is parked.)

C13-S12

2. Under "Employer-Based Trip Reduction" (TCMs 1, 2):

The same item has a second error. The amount shown is incorrect. The correct amount of the transfer is \$1.3 billion. If the Phase 3 total transfers are to be shown on this line of Table 1, as both benefit and cost, the amount should be \$1.3 billion in benefits and costs, not the \$1.46 billion that is reported in the box on Table 1.

C13-S13

3. Under "Employer-Based Trip Reduction" (TCMs 1, 2):

There will be an actual net cost to commuters associated with Phase 3 parking fees, but it amounts to \$155 million, according to page 45 of the Report, not the \$1.46 billion shown. \$155 million is the estimated cost of administering the program, and would pay for both employer cost and costs incurred by any Bay Area government. Thus the "cost" shown should be \$155 million, not the erroneously-reported \$1.46 billion. (\$1.46 billion minus the administrative costs of \$155

<sup>1</sup> This \$3.00 employer parking fee might not be implemented until the year 2000, so that dollar figures attributed to it must be viewed as speculative, at best.

million results in the \$1.3 billion in transfers mentioned above.)

C13-S14

4. Under "Employer-Based Trip Reduction" (TCMs 1, 2)

There will be no cost to business associated with the \$3.00 parking fee. Administrative Cost is therefore shown erroneously. Table 1 shows business and industry incurring a cost of \$150 million and Bay Area Government facing a cost of \$5 million but this is misleading. There will be administrative costs but business and government will be given the projected \$155 million from the employee-paid parking fees. The cost associated with administering the Phase 3 Employee parking fees will be born by the employee parking a car, not business or government.

The revenues from these parking fees will flow to the businesses and government agencies, not from them. Thus there will be zero net cost to the businesses and government. The reader consulting the Summary Table is seriously misled.

C13-S15

5. Under "Market-Based Measures" (TCM 22):

On the line showing Travel Time Savings, the Benefit to Commuters, \$1.1 billion dollars, is shown in the wrong box -- it is shown as a cost rather than a benefit. The reader scanning only the Summary Table 1 sees a \$1.1 billion cost that doesn't exist and fails to learn of a \$1.1 billion benefit that is projected. Thus the reader of Table 1 will be misled a total of \$2.2 billion dollars from this error alone.

C13-S16

6. Under "Employer-Based Trip Reduction" (TCMs 1, 2):

The cost to Low Income Groups is shown with three minus signs -- indicating a severe adverse impact. The impact on Low Income Groups will actually be positive.

Recall that this is a \$3 parking fee imposed on a person parking a car. The net revenue generated by this fee, after covering administrative costs, will amount to \$1.3 billion dollars. This will be given to other, non-parking, employees to assist in their commute costs.

It seems clear that low income groups will benefit substantially from this measure, not incur a cost. The Report itself, on page 46, cites studies that show "... that low income persons tend to use transit at a much higher rate than the general population, ... ." Thus low income persons riding transit



will not only not pay the parking fee but will in fact receive a portion of the fee that others pay. Thus low income groups will benefit from this measure.

C13-S17

#### 7. Under "General CAP Impacts"

Under the sub-heading Health Benefits, "Slower Health Services Employment Growth" is shown as a cost. Although elsewhere in the Table job gains are shown as a benefit and job losses are shown as a cost, it seems clear that it is perverse to show slower employment growth in health services as a cost. Since this is a product no one desires to buy, slow growth in demand for workers in this area can only be a plus. And since it is only slower growth in jobs that is projected, not an actual decline in jobs, showing this as a minus is inappropriate.

C13-S18

### OMISSIONS IN THE REPORT

There are omissions in the Report which severely hamper the reader seeking to evaluate the CAP.

In the summary, the Report states:

"As the CAP acknowledges, most of its benefits are difficult to quantify, although they are substantial. This report presents a number of the economic costs of the CAP which must be balanced against the benefits. It does not attempt, however, to present a comprehensive cost/benefit analysis of the CAP. The information provided in the report, though, should be helpful to local policy makers, businesses and the public as they consider the need for improved air quality in the Bay Area."

In other words, the Socioeconomic Report is giving "local policy makers, businesses and the public" dollar estimates of the costs, but leaving the benefits (against which it says the costs must be balanced) almost completely unquantified.

In the CAP itself there is no attempt to quantify health benefits at all.

### Omission of dollar estimate of health benefits

C13-S19

No attempt is made in the Report to quantify the health benefits resulting from the CAP. The discussion in the Report of health benefits associated with cleaner air resulting from the CAP is disappointingly scant. It is also framed in a way that suggests to the reader that the health benefits are a cost! The authors chose to present the discussion on health benefits under the "Impacts To Business and Industry" section of the Report. They assert on page 37 that "Projections of health benefits of the CAP are not available ... " without explaining why. The discussion then takes a rather amazing turn, to express concern with the job losses in health care, rather than the health gains that will flow from the CAP.

C13-S20

As mentioned above, no attempt to quantify the health benefits from the CAP is made in the Report, though it does mention an Air Resources Board study dealing with earlier pollution control. Yet others have, however imperfectly, attempted to state benefits in dollar terms. The Report footnotes (on page 37) an American Lung Association publication which surveys studies along these lines published during 1984-1989. There have been a number of studies of the health benefits following from cleaner air, so that making such estimates is feasible.<sup>2</sup>

C13-S21

The Socio - Economic Report prepared by the South Coast Air Quality Management District, furthermore, attempts to quantify a fraction of the dollar health benefits in that area, citing studies and models used. But the BAAQMD

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<sup>2</sup> See, for example, the studies done for and relied upon by the South Coast Air Quality Management District. See also the book cited on page 37 of the BAAQMD Socioeconomic Report: James S. Cannon, The Health Costs of Air Pollution, A Survey of Studies Published, 1984-1989. American Lung Association, Washington, D. C. 1990. See also Maureen L. Cropper and Wallace Oates, "Environmental Economics: A Survey", Resources for the Future, Discussion Paper QE90-12, Washington, D. C., among others.

Socioeconomic Report cites the South Coast report merely to remark on the number of jobs to be lost from cleaning the air.<sup>3</sup>

C13-S22

The Clean Air Plan itself devotes only three paragraphs to "THE BENEFITS AND COSTS". Referring to health benefits and others, the CAP asserts that:

"Most of these benefits are difficult to quantify with confidence. Considerable uncertainty exists in making such estimates. The benefits are substantial, however."

No dollar amount for benefits is even mentioned, however substantial they are, though for costs the same section of the CAP does warn the reader of large dollar outlays -- in the billions -- required.

C13-S23

This section of the Clean Air Plan concludes with a bizarre remark: "Again, public input is sought in providing information regarding benefits and costs of the '91 CAP". Thus, with the resources of the BAAQMD, the MTC and ABAG, and having commissioned studies such as the Report under discussion here, and having produced no figures on the health benefits, the CAP asks the public to provide information on the benefits!

C13-S24

#### Other Omissions:

There are other economic benefits which could have been mentioned and quantified to help the public evaluate the cost of the CAP. Briefly, some of these are:

C13-S25

- If fewer commuters drive to work, less land for parking will be required. The dollar value of this real estate could be estimated and the gain reported to businesses and the public.

<sup>3</sup> The South Coast AQMD Draft Final Socio-Economic Report reports on three studies. Stated in billions of 1987 dollars, and dealing with only benefits from reducing Ozone and PM10, one study projected annual benefits of \$8.9 billion dollars. Projected to 2010, these benefits reached \$9.09 billion. A separate study projected benefits of \$0.19 to \$6.37 billion a year, again from controlling only the same two pollutants. These benefits, the South Coast Report emphasizes, are only a partial account of the positive results.



- The dollar value, for employers, of the drop in the cost of health plans should be calculated and reported.

- A national market for trading emission rights is developing. The value of rights that businesses will be able to sell should be estimated and reported.

- Individuals and businesses may save substantially on car insurance and other automobile-related costs because of less congestion and less driving. This should be estimated and reported.

- Reduction of many sources of pollution will be required to comply with the Federal Clean Air Act. Presumably this will require less effort and expenditure than will compliance with the CAP. For purposes of evaluating the cost of the CAP, however, the dollar amount required to be spent on the lesser Federal rules should be subtracted from the amount required to be spent because of the CAP. This subtraction will result in providing the net cost of complying only with the CAP, since the Federal spending would be required even if the CAP weren't adopted.

C13-S26

C13-S27

C13-S28

C13-S29

C13-S30

### ERRORS ON TABLE 6

#### "ESTIMATED DIRECT COMPLIANCE COSTS AS A SHARE OF INDUSTRY OUTPUT"

Table 6 reports to the reader on the estimated compliance cost by industry, and compares the cost with the value of industry output. The calculation of compliance cost as a percent of industry output is provided to give the reader a sense of how large the impact on industry will be. It turns out that the cost shown, as a percent of output, is quite small, only one third of one percent. But the calculation as made actually overstates the percentage, again leading the reader to think that the adverse impact of the CAP will be larger than if the Table were correct.

The following is a list of errors in Table 6:

C13-S31

1. The first error is that the figures don't add up. The Table shows the totals for value of industry output and the estimated maximum compliance cost. Both totals are slightly incorrect. The correct sum for value of output is \$107,246 rather than the \$103,321 shown. Since six zeroes are omitted from these figures, this error amounts to almost 4 billion dollars. The correct sum for Estimated Maximum compliance cost is \$339,504,946, only slightly different than the \$339,785,900 reported.

C13-S32

2. The second error is a major improper handling of the data. The point of Table 6 is to compare compliance costs with the value of output, by industry, to give the reader a sense of how large the impact of compliance will be. The value of compliance for all industries is summed and compared with the total value of output for all industries. But this is done in an improper way.

For three groups of industries the value of output is not shown, although a compliance cost is. Thus for the total, three compliance costs (two of the three extremely large) are added without corresponding revenues. Thus the total value of output is understated by a significant amount, and the percentage calculation is wildly in error.

If the three industries, with costs but without output values, are removed from the calculation the result is to cut the compliance costs as a percent of industry output by two-thirds.

There are two industries where a value of output amount is included but dollar compliance costs are not shown. The value of output is relatively small for these industries and for one of them the cost of compliance is expected to be negative -- i. e. there will be a saving from compliance.

C13-S33

3. There is an inconsistency between the amounts shown on Table 6, page 29, and the text of the Report on page 6. The text asserts that the amounts shown are in 1990 dollars while the Table states that the amounts are in 1991 dollars. If this is a simple typo in the text, it is unimportant. But if value of output, which has been adjusted in the Report from 1987 census data, is not stated in the same year's dollars as is the compliance cost, then comparing them again leads the reader astray.

4. In reporting the compliance costs, only the extra costs of the CAP, over and above spending required in the Federal Clean Air Act, should be shown. This is discussed under "Omissions". These dollar amounts are not yet available, but the concept should be noted on Table 6. The impact of noting this item will not be large.

C13-S35

5. In reporting the compliance costs, only net costs should be shown. Since under the Federal Act there will be a market for emission rights, industries operating under the CAP will have excess emission rights and presumably will be able to sell them out of state. Estimated proceeds from these sales should be subtracted from compliance costs of the CAP. This is discussed under "Omissions". These dollar amounts are not yet available, but the concept should be noted on Table 6. The dollar impact of this item may be significant.

C13-S36

### IMPACTS ON LOW INCOME GROUPS

Concern for the impact of the CAP on low income groups is certainly admirable. Yet the Report doesn't do justice to the concern.

C13-S37

Already mentioned above, in the section discussing Table 1, is the question of the impact on low income groups of the \$3 parking fee. Pointed out there is the fact that low income groups use transit at a higher rate than the general population.

C13-S38

Low income people with jobs are thus likely to be net beneficiaries of the parking fee. Low income people without jobs clearly will not pay the employee parking fee. Yet they may benefit from that fee as the proceeds are used for transit.

C13-S39

Beyond that, low income groups, as users of transit, will benefit along with the rest of the community as transit services are improved in quantity, and quality, and perhaps provided at a lower price.

C13-S40

To change to another aspect of the impact on low income groups: Those unemployed, and those working at casual and other low-wage jobs and their families, frequently are without



health insurance. Their illnesses may now go untreated and unreported. As the CAP results in cleaner air, low income groups may benefit a great deal as community health improves.

C13-32

Housing for low income groups, moreover, is often in close proximity to stationary sources of pollution, so that low income residents are now bearing a disproportionate share of industrial pollution. To that extent, they may perhaps enjoy a large share of the benefits if the CAP is successful in improving air quality.

C13-33

Low income housing, typically clustered in urban areas and along inner-city freeways, furthermore, may be bearing a disproportionate share of the pollution from automobiles and trucks. To that extent, low income groups may perhaps enjoy a share of the benefits from the traffic control measures in a proportion higher than their numbers if the CAP is successful in improving air quality.

C13-S41

Finally, the Report, on page 47, returns to the discussion of impacts on low income groups (and to middle income families) in a disingenuous way.

C13-S42

Under the heading of "Market-Based Measures", the Report states that the aggregate costs to drivers could reach \$3 billion per year, in 1991 dollars. The Report then says it converts the \$3 billion in 1991 dollars to 2005 dollars, reaching \$5.94 billion. There seem to be two errors in this conversion. Elsewhere in the Report a 4% inflation rate is used for converting dollars of one year to those of another. (This de-inflation step, which shows up, for example, in Table 1 and elsewhere, is actually itself improper, but that is outside the scope of the point we address here.)

If the 4% rate used elsewhere in the Report is used to convert \$3 billion in 1991 to 2005 dollars, the result is about three quarters of a billion smaller than the figure of \$5.94 billion the Report reaches. The text on page 47 doesn't state how the "conversion" was done. For consistency it should have been done on the same basis as Table 1, but apparently it wasn't.

C13-S43

The second error in this conversion is that a number of the "Market-Based Measures" are designed to come on stream in, for example, 1997, with a fixed dollar price -- such as the \$3.00 parking fee. Since that price is set, it should not be inflated at all in an exercise such as this, never mind inflated from 1991.

C13-S44

These errors, however troubling, are minor compared with a conversion the Report attempts to state costs in the year 2005. By converting to dollars stated in 2005, the Report makes the impact appear much larger. The calculation supplied, almost doubles, in fact, the amount that it asserts drivers will be burdened with in 2005. This doubled amount is then used to produce a dollar-per-household figure. By stating the burden in terms easily visualized by a family, but doubled relative to the income families now experience, the Report certainly biases the conclusion to which the reader is led.

C13-S45

The Report next assumes that the low income family would experience the average burden on drivers, though of course many low income families don't have cars. Those that do have cars drive much less than those with higher incomes.<sup>4</sup> It is clear, therefore, that low income families will not experience the average burden on drivers.

C13-S46

As a result, the Report's concern, on page 47, for the impact of the market-based measures on low income residents is based on a bad concept, bad arithmetic, and incorrect and unfounded assumptions.

C13-S47

### CONCLUSION and RECOMMENDATIONS

In our judgement, the Socioeconomic Report is flawed in conception and execution. It is not, as it asserts it is intended to be, "... helpful to local policy makers, businesses and the public as they consider the need for improved air quality in the Bay Area."

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<sup>4</sup> See Congress of the United States, Congressional Budget Office, August 1990, Federal Taxation of Tobacco, Alcoholic Beverages, and Motor Fuels.

C13-S48

We recommend the following:

- The errors in the Report should be corrected.

C13-S49

- The reporting of Transfers should show on the same line both the benefits and costs of the various measures.

C13-S50

- We recommend that the health benefits be quantified. A quantitative evaluation of the health benefits as projected to result from the CAP can and should be made. The CAP, as noted above, asserts that the benefits are difficult to quantify. But difficult things are done all the time. Difficulty is actually the best reason to begin at once.

###



## **APPENDIX 3**

3/20/91

Osby Davis, Chair, and Members of the Board of Directors  
Bay Area Air Quality Management District  
939 Ellis Street, San Francisco, Ca. 94102

Re: District Action Needed to Eliminate Dangerous Exemptions for Solvents

Dear Board Members,

C13-P

We're writing to urge you to prohibit the use of stratospheric ozone-depleting chemicals or toxic chemicals as substitutions for smog precursors. Widely-used chemicals such as TCA (1,1,1-trichloroethane, also known as methyl chloroform), CFC-113 (chlorofluorocarbon 113), and Methylene Chloride are treated as exempt solvents by certain district regulations because they do not contribute to the formation of ground-level ozone in smog. These exemptions make the chemicals attractive to industry as substitutes for smog-forming chemicals and thus encourages their use as metal degreasers, paint thinners, circuit board cleaners, etc.

However, TCA and CFC-113 do significant damage to earth's protective upper-atmosphere ozone layer, which shields us from harmful incoming ultra-violet radiation, and also may pose toxic hazards to workers and the community. Methylene chloride is listed by the state as a cancer-causing chemical.

#### RATIONALE FOR BOARD ACTION:

1. Destruction of the ozone-shield by TCA and CFCs allow increased solar radiation to reach the ground, resulting in severe health and environmental damage. Because of this, EPA estimates that the phase-out of TCA alone before the turn of the century would prevent about 4 million skin cancer cases, 65,000 cancer deaths, and 364,000 cases of eye cataracts in Americans born before the year 2075. However, TCA will not be phased out under federal regulations for over a decade. CFC-113 is eight times more potent than TCA as an ozone-destroyer.
2. Smog formation is also expected to increase due to the destruction of the ozone shield, because additional incoming ultra-violet radiation can increase the photochemical reactions which cause the formation of ground-level ozone. Thus exempting ozone-depleting chemicals from smog regulations is counter-productive.
3. The South Coast Air Quality Management District has already adopted a policy to phase out ozone-destroying chemicals. BAAQMD staff have also begun to recognize the problem in developing new regulations, but the District has no policy on this issue and needs to adopt one.

(cont)

4. Hundreds of thousands of pounds per year of cancer-causing methylene chloride are emitted within the District. The District is making progress toward plans to control air toxics, but it first needs to plug the loophole in its smog regulations so that increased emissions of carcinogens will not be allowed. Recent district regulations which do not exempt methylene chloride should be used as models for all District regulations, and should be explicit District policy.

5. The District has the authority to regulate non-smog precursors. At a minimum, the District has the duty to ensure that its regulations don't contribute to environmental problems through inappropriate exemptions.

6. The BAAQMD Clean Air Plan represents both a danger and an opportunity. If more stringent smog controls are put in place which allow exemptions of ozone-destroying chemicals and toxics, industries will switch to those chemicals. If ozone-destroyers and toxics are regulated at the same time as the smog-forming chemicals, large emissions reductions can be accomplished in all categories.

#### RECOMMENDATIONS:

The District is now reviewing and amending all or most of its regulations under the state Clean Air Plan to attain reductions in hydrocarbons and nitrogen oxides. This is the perfect time to review rules at the same time for potential reductions in ozone-destroying and toxic chemicals such as TCA, CFC-113, and methylene chloride. The District should take the following steps:

1. Remove exemptions for TCA and CFC-113 from existing and planned District rules during the Clean Air Plan review process.
2. Remove exemptions for methylene chloride from existing and planned District rules during the Clean Air Plan review process.
3. Add policy language to the Clean Air Plan prohibiting the use of upper-atmosphere ozone-destroying and toxic chemicals as substitutes for smog-forming chemicals. The California Air Resources Board included such language in its recent regulation of consumer products (see attachment).
4. Develop a more comprehensive policy and additional regulations to phase-out emissions of ozone-destroying chemicals. For example, Bay Area cities have already adopted requirements for capture and recycling of auto air conditioner (and other) refrigerants (CFC-12) using existing, available technology. Wasteful practices of venting refrigerants to the atmosphere during servicing are easily preventable and should be prohibited District-wide through a recycling rule.



Thank you for your attention to this problem. We urge that the Board adopt a resolution to carry out the recommendations stated above. The District is making important strides in many new areas: proposed refinery improvements to drastically reduce hydrocarbons, controls on nitrogen oxides which have been largely unregulated, and plans to control toxics. Now is the time to ensure that the District does not ignore the problems of destruction of the ozone shield and exemptions for toxics, nor the role the District still plays in exacerbating these problems.

Thank you again for your time and consideration.

Sincerely,



Julia May, Director  
Northern California Clean Air Program  
Citizens for a Better Environment



Peter Drekmeyer  
Bay Area Action Network



Bruce Lee Livingston  
Clean Water Action



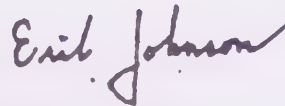
Deborah Bruns  
CALPIRG



Denis Hayes  
Earth Day



David Phillips  
Earth Island Institute



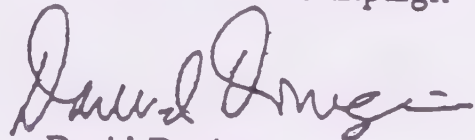
Erik Johnson  
Greenpeace Action



Nancy Skinner  
Local Solutions to Global Pollution



Michael Picker  
National Toxics Campaign



David Doniger  
Natural Resources Defense Council



John Holtzclaw  
Sierra Club



Ted Smith  
Silicon Valley Toxics Coalition

C13-40

## **APPENDIX 4**



**\*\*By Telephone Facsimile\*\***

June 28, 1991

STATE HEADQUARTERS:  
501 SECOND STREET  
SUITE 305  
SAN FRANCISCO  
CA 94107  
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BERKELEY  
CA 94704  
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BOARD OF DIRECTORS:  
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STANLEY K. SHEINBAUM  
OLIVER STONE  
NORM ZAFMAN

Osby Davis, Chair, and Members of the Board of Directors  
Bay Area Air Quality Management District  
939 Ellis Street  
San Francisco, CA 94102

**Re: Board directions on ozone shield proposal have not  
been carried out**

Dear Board Members:

This is a letter to followup on the proposal by our coalition on destruction of the ozone shield. On March 20, 1991, we wrote you a letter urging prohibition of upper-atmosphere ozone-depleting chemicals (such as TCA and CFC-113) and toxic chemicals (such as methylene chloride), which are treated as exempt solvents by certain district regulations because they do not contribute to the formation of ground-level ozone.

We thank the Board for your enthusiastic response to our letter at that time. This included a call by the Board for a report from the staff within one month, and statements by Board members in support of our proposed steps. These steps included removing district exemptions (see attached letter).

We are concerned that our proposal has not made any progress since your favorable response. In fact, we feel that the staff has not given the proposal high priority.

We are writing to urge that the Board direct the staff to include our proposal in the Clean Air Plan. Since the Clean Air Plan includes modification of most district regulations, it presents



the perfect opportunity for removing these exemptions. However, if the exemptions are not removed, the problem will probably worsen as smog regulations are tightened and industries convert even further to exempt chemicals.

TCA and CFC-113 do significant damage to the earth's upper atmosphere ozone layer which protects us from harmful incoming radiation. A recent NASA study indicates that there could be an additional 200,000 deaths over the next 50 years in the USA due to skin cancer from ozone depletion. Proportionally, by 1990 census figures, this would result in 4800 additional cancer deaths in the District alone. These figures do not even include the other harmful health effects (such as eye cataracts) due to ozone depletion.

The chemicals are emitted in the District in large quantities. The District lists 2,700,000 lbs/yr of TCA and 895,000 lbs/yr of methylene chloride in the inventory. The District does not break down emissions of CFC-113, although it is widely used in this region.

Since emission figures are large, the District can make a sizable contribution to the solution of the problem. Such a contribution would be in line with many of the issues that the District has been actively working to solve.

Please direct your staff to immediately include in the Clean Air Plan a prohibition on ozone depletors and toxics as substitutes for smog precursors. In addition, please schedule further Board discussion of the additional steps we outlined (in the attached letter) for consideration for adoption.

Thank you for your time and consideration.

Sincerely,

Julia May  
Northern California Director, Clean Air Program  
Citizens for a Better Environment

**Response to Comment  
Letter C13**

RESPONSE C13-1	Comment noted.
RESPONSE C13-2	The "serious flaws" cited in the comment are assumed to be those detailed in Comments C13-5 through C13-33. Please refer to the specific responses below.
RESPONSE C13-S1	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE C13-3	For specific responses to CBE's comments regarding alternatives, please refer to Responses C13-5 through C13-8.
RESPONSE C13-4	See Response C13-13.
RESPONSE C13-S2	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE C13-5	The District agrees with CBE's overall comments about the role of alternatives in EIRs according to CEQA. The DEIR explains issues considered in the selection of alternatives on pages 6-1 through 6-4. To provide additional information regarding the selection of alternatives, the following text is added to Chapter 6 of the DEIR, immediately following the section titled "Issues in the Selection of the Alternatives".

**ALTERNATIVES CONSIDERED AND REJECTED**

**Alternative**

Market-Based Measures Alternative. This alternative would consist of a) stationary source controls as proposed in the CAP and, b) mobile source control measures consisting solely of market-based TCMs.

**Reasons for Rejection**

CCAA requires that severe areas adopt all feasible measures as expeditiously as possible and that the CAP include reasonably available TCMs. Time required for legislative approval of market-based TCMs would preclude implementation in Phase 1, and other TCMs are available in Phase 1.

**Alternative**

Region-Wide Transit Oriented Growth Alternative. This alternative would consist of a) stationary source control as proposed in the CAP, and b) rezoning of surplus commercially zoned land near transit corridors to residential, with goal of improving jobs/housing

balance. This alternative would be similar to ABAG's "Compact Growth Scenario".

Reasons for Rejection

The District does not have the authority to implement the comprehensive land use controls needed to make this a realistic attainment strategy.

Alternative

Adopt all Control Measures Alternative. This alternative would consist of the implementation of all stationary and mobile source control measures considered in developing the Draft CAP, (i.e., all measures listed in Table 7 of the Draft CAP).

Reasons for Rejection

Certain measures listed on Table 7 of the Draft CAP were not considered feasible or practicable for the Bay Area due to technological limitations, poor cost-effectiveness, insignificant emission reductions, enforcement difficulties, legal constraints and public acceptability.

Alternative

Alternative Ranking Based on Cost-Effectiveness. This alternative would consist of the same control measures as proposed in the CAP, except that control measure implementation would be based solely on cost-effectiveness, with most cost-effective measures being implemented first.

Reasons for Rejection

As noted above, various factors were considered when evaluating the feasibility of individual control measures. By implementing measures based solely on cost-effectiveness, the District would be ignoring other important technological, environmental, legal and social factors.

Alternative

Alternative Ranking Based on Emission Reductions. This alternative would consist of the same control measures proposed in the CAP, except implementation would be based solely on emission reduction potential, with the greatest emission reduction control measures being implemented first.

Reasons for Rejection

As noted above, various factors were considered when evaluating the feasibility of individual control measures. By implementing control measures based solely on emission reduction potential, the District



would be ignoring other important technological, environmental, legal, social and economic factors.

Alternative

All ROG Control Measures Alternative. Under this alternative, the TCMs would remain as proposed in the CAP, while stationary source control measures would consist only of measures to reduce ROG emissions.

Reasons for Rejection

The CCAA requires that the CAP control emissions of both ozone precursors, and thus this alternative would not be acceptable under the CCAA. Also, because TCMs would inevitably reduce NOx emissions also, a practical implementation of this alternative did not appear possible.

Alternative

All NOx Control Measure Alternative. Under this alternative, the TCMs would remain as proposed in the CAP, while stationary source control measures would consist only of measures to reduce NOx emissions.

Reasons for Rejection

The CCAA requires that the CAP control emissions of both ozone precursors, and thus this alternative would not be acceptable under the CCAA. Also, because TCMs would inevitably reduce ROG emissions also, a practical implementation of this alternative did not appear possible.

Alternative

Alternative Designed to Reduce Adverse Impacts. Under this alternative, the CAP would be completely revised following environmental impact analysis. Control measures would be deleted or rescheduled to reduce potential adverse impacts.

Reasons for Rejection

Most of the environmental impacts of the CAP were anticipated to be beneficial. The District was reasonably certain that most potentially adverse impacts would be able to be reduced to a level of insignificance, and that the significant impacts that might remain after mitigation would be far outweighed by the environmental benefits that would accrue from the CAP.

RESPONSE C13-6

The DEIR identifies potentially adverse impacts of the CAP and in most cases identifies mitigation measures to reduce those impacts to

a level of insignificance. The District believes that it has developed and presented all "feasible" mitigation measures in the DEIR ("feasible" in the sense discussed in the comment pursuant to Public Resource Code Section 21061.1).

For specific responses to CBE's comments regarding mitigation measures, please refer to Responses C13-12 through C13-16.

RESPONSE C13-7

The DEIR does not include an alternative that achieves attainment by 1997 because District photochemical modeling was unable to forecast that the ozone standard could be achieved by that date with a feasible control strategy. For the CAP, feasible measures are considered to be those which are: 1) reasonable and necessary for the Bay Area, 2) capable of being implemented in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors, and 3) approved or approvable by the California Air Resources Board (ARB), based upon State law and ARB policies.

Regarding measures considered in the Los Angeles Plan, please refer to Response C9-6.

RESPONSE C13-8

As noted in the comment, the District must adopt control measures to reduce emissions five percent per year or all feasible measures and an expeditious adoption schedule. The CAP includes a rule adoption schedule which is considerably more ambitious than past District experience (about four or five major rules per year) as well as ARB guidance (at least six plan measures per year). The CAP proposes an adoption schedule of eight CAP control measures, including one major TCM, per year. This is in addition to other non-CAP regulatory activities related to toxics, particulate matter and updates to existing rules.

RESPONSE C13-P

See Section 1.2 regarding comments on the CAP.

RESPONSE C13-9

The only indirect source control measure adopted in the 1982 Bay Area Air Quality Plan (AQP) consisted of joint review by BAAQMD, MTC and ABAG of CEQA documents on development proposals. The resulting interagency Plan and Project Review Team has met regularly to review CEQA documents and will continue to do so in the future.

Regarding indirect source control measures that were considered and rejected during development of the 1982 AQP, many of the activities proposed are now proposed in the CAP. Examples include TCM 16, Indirect Source Control Program; TCM 18, Zoning for High Density at Transit Stations; and TCM 19, Air Quality Elements for General Plans.

- RESPONSE C13-10      This comment urges the District to incorporate a "conformity" requirement in the CAP based upon State air quality standards (similar to the conformity requirement in the federal Clean Air Act).
- Although the CCAA does not contain a "conformity" provision, the CAP does retain the option for the District to evaluate capacity-increasing road and highway projects as one element of the indirect source control program, TCM 16. The District would evaluate the methodology used in MTC's federal conformity process to identify how to apply or augment it to review capacity increasing roads and highways and their effect on State air quality standards and CCAA transportation requirements. The District would consider delegation to MTC if agreeable methodology and criteria are developed.
- Regarding water quality impacts of the CAP, please refer to Response C13-13.
- RESPONSE C13-11      The District considered a variety of factors when reviewing the feasibility of potential control measures for inclusion in the CAP. As noted above, one of the criteria was a determination of whether the measure was capable of being implemented in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.
- See Response C13-5 regarding selection of alternatives.
- RESPONSE C13-12      The Final CAP includes a discussion of District efforts related to stratospheric ozone depleting chemicals. Because the CAP is a carbon monoxide and (ground level) ozone plan, however, it does not include control measures specifically intended to reduce emissions of stratospheric ozone depleters. The DEIR identifies the use of stratospheric ozone depleting substances, toxic air contaminants and substances contributing to global warming as substitute solvents as a potentially significant impact of the CAP. The DEIR proposes as a mitigation measure that the District adopt regulations restricting the use of such materials as substitute solvents. CEQA requires that the District adopt specific written findings regarding each significant impact identified when certifying the Final EIR. The District will also adopt a Mitigation Monitoring Plan for the Final EIR. The District believes that these findings, and future regulations developed according to these findings, to be enforceable mechanisms for assuring compliance.
- RESPONSE C13-13      While the District acknowledges that additional construction-related pollutants may be introduced to runoff in the areas noted by the commenter, the overall reduction in vehicle miles travelled anticipated by implementation of the CAP would still result in a



substantial net decrease in pollutants entering the surface and groundwater of the Bay Area.

By October 1992 both industrial and municipal discharges of stormwater runoff will be regulated by EPA through National Pollution Discharge Elimination System (NPDES) permit application regulations. Requirements for municipal separate storm sewer system permits include prohibition of non-stormwater discharges into storm sewers and control to reduce the discharge of pollutants to the maximum extent practicable. These regulations will reduce the localized addition of contaminants entering the storm sewer from construction activities, new facilities, and transportation hubs encouraged by the CAP.

The District does not agree that the CAP as proposed will "foreclose options for reducing poison runoff" at the source. The CAP proposes a comprehensive set of TCMs which will significantly reduce vehicle trips, vehicle miles travelled and motor vehicle emissions. If local governments wish to adopt additional measures, they can do so. The District would support such efforts, where feasible.

RESPONSE C13-14

It is assumed that the commenter is referring to the same impacts that are noted in Comment C13-13. Please refer to Response C13-13.

RESPONSE C13-15

Additional mass transit and non-automobile alternatives for accessing transit facilities are promoted in many of the TCMs, including TCMs 3, 5, 9, 13, 16 and 18. The District considers the CAP to represent all feasible control measures as required by the CCAA. If localized CO hotspots occur as transit use expands, additional mitigation could be identified during project-specific review. See also Response B4-6. Regarding conformity as a mitigation measure, see Response C13-10.

RESPONSE C13-16

The information presented in the comment is consistent with the information in the Draft EIR. Note that mitigation measure 4.5-14 states that the District will consider alternatives to ammonia as a controlling agent when developing NOx rules and will consider design of ammonia storage and handling equipment during permit review. In regard to "full notice" and "full disclosure" suggested in the comment, existing regulations, including those promulgated under the "Business Plan Act" and "Emergency Planning and Community Right-to-Know Act," require that organizations storing hazardous materials like ammonia report such storage to administering agencies. Local fire departments and other responsible agencies use this reporting to prepare emergency response plans. As noted in

the Draft EIR, compliance with existing laws and regulations in assumed in the environmental analysis.

RESPONSE C13-17

Comment noted. The District has considered CBE's comments when preparing the CAP and the DEIR. The District believes that these responses are full responses to CBE's concerns, with the exception of comments directed solely at the Plan, and not the DEIR.

RESPONSE C13-18

Prior to the passage of the California Clean Air Act in 1988, there was no requirement for attainment plans for State standards.

RESPONSE C13-19

The comment is noted.

RESPONSE C13-20

See Response C9-6.

RESPONSE C13-21

See Response C13-7.

RESPONSE C13-22

The DEIR does not claim that mitigation of ozone hot spots that may occur from control measures to reduce NO<sub>x</sub> is "impossible", but that it is "uncertain". Mitigation Measure 4.1-2 (on page 4.1-22 of the DEIR) proposes that the District use the available resources (i.e., air quality modeling) during the development of NO<sub>x</sub> rules to determine whether the impact is likely to occur and, if so, whether the potential impact can be mitigated. Because NO<sub>x</sub> emissions in the Bay Area historically have not been regulated as stringently as proposed in the CAP, the potential impacts and mitigation may at the present only be speculated.

RESPONSE C13-23

Mitigation measure 4.1-4(a) proposes that electric or alternative-fueled buses be used where deemed feasible by transit operators. When considering conversion from diesel buses, local operators would need to consider cost-effectiveness, technological limitations and locational constraints.

RESPONSE C13-24

Alternatives to accessing transit facilities via automobile have been dealt with extensively in the CAP (see Response C4-3). While the CAP aims to shift the mode of transportation away from the automobile to mass transit, it assumes that providing certain individuals' transportation needs will require automobile parking at transit facilities. Regarding conformity as a mitigation measure, see Response C13-10. Subsidies for mass transit, addressed under TCM 5, "Improve Access to Rail and Ferries", and TCM 13, "Transit Fare Reduction" (described on page 3-28 and 3-30 of the DEIR) would provide for lower costs to patrons. Expansion of HOV lanes, identified under TCM 8, is an integral part of improving transportation alternatives, including transit, and therefore would not be a good source of funds to further subsidize transit.

RESPONSE C13-25	Previous attempts by Caltrans to convert existing lanes to HOV lanes have met with resistance from the public and it is currently Caltrans policy not to convert.
RESPONSE C13-26	The term "restricting" may mean banning or discouraging. See Response B1-7 and C13-12.
RESPONSE C13-27	See Response C13-10.
RESPONSE C13-28	See Response C13-16.
RESPONSE C13-29	Impacts on surface water and groundwater quality resulting from the construction of transportation related facilities are addressed in Impact 4.10-2. The construction of the TCMs identified in Impact 4.10-2 would have water quality benefits resulting from trip reductions. This beneficial effect is identified under <u>Overview of Mobile Source Control Measures</u> , page 4.10-7 of the DEIR.
RESPONSE C13-30	See Response C9-6.
RESPONSE C13-31	The text found under the heading <u>Issues in the Selection of the Alternatives</u> , found on page 6-1 through 6-4 of the DEIR, clearly states the alternative selection process. The strictness of a given control measure, such as the indirect source control measure, cannot be determined from any of the alternative descriptions or from the proposed project (i.e., the CAP); this would be addressed by the District during the rule development process.
RESPONSE C13-P	See Section 1.2 regarding comments on the CAP.
RESPONSE C13-S3	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE C13-S4	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE C13-S5	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE C13-S6	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE C13-S7	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE C13-S8	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE C13-S9	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE C13-S10	See CAP Socioeconomic Report, Response to Comments document.



RESPONSE C13-S11	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE C13-S12	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE C13-S13	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE C13-S14	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE C13-S15	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE C13-S16	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE C13-S17	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE C13-S18	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE C13-S19	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE C13-S20	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE C13-S21	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE C13-S22	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE C13-S23	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE C13-S24	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE C13-S25	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE C13-S26	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE C13-S27	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE C13-S28	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE C13-S29	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE C13-S30	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE C13-S31	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE C13-S32	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE C13-S33	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE C13-S34	See CAP Socioeconomic Report, Response to Comments document.

RESPONSE C13-S35	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE C13-S36	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE C13-S37	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE C13-S38	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE C13-S39	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE C13-S40	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE C13-32	Comment noted. The DEIR and Socioeconomic Report acknowledge public health benefits of improved air quality.
RESPONSE C13-33	See Response C13-32.
RESPONSE C13-S41	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE C13-S42	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE C13-S43	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE C13-S44	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE C13-S45	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE C13-S46	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE C13-S47	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE C13-S48	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE C13-S49	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE C13-S50	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE C13-P	See Section 1.2 regarding comments on the CAP.





REC'd 8/19/91

LETTER C14

# Southland Mall

August 19, 1991

## VIA HAND DELIVERY

Mr. Henry Hilken, Planner  
Bay Area Air Quality Management District  
939 Ellis Street  
San Francisco, CA 94109

Re: Comments on the Draft Environmental Impact Report  
for the Bay Area 1991 Clean Air Plan

Dear Mr. Hilken:

These comments are submitted on behalf of the Southland Mall, a shopping center located in Alameda County in the City of Hayward. The Southland Mall directly employs about 1,500 Bay Area residents as administrative, maintenance, clerical, retail and food service workers. Many of these jobs are held by working class people already living in one of the least affordable regions of the country, with the most stringent air quality standards in the country, and bearing a heavy tax burden. (We note that the draft EIR states that retail businesses employ 16 percent of all workers in the Bay Area). The number of jobs the mall creates indirectly for Bay Area residents (in, for example, manufacturing, sales and services) is incalculable.

C14-1

The draft Environmental Impact Report for the Bay Area 1991 Clean Air Plan (the "draft EIR" and the "'91 CAP," respectively) does not adequately identify the impacts of the transportation control measures (TCMs) proposed by the draft '91 CAP, fails to address the legal shortcomings of the '91 CAP, identifies serious impacts from the TCM's without adequate mitigation and ignores flaws in the basic conceptual spirit and assumptions of the '91 CAP.

C14-2

Because of the lack of specificity of many of the TCM's identified in the '91 CAP (e.g., trip reduction programs, developer-subsidized and employer subsidized programs and indirect source control programs), their impacts cannot be adequately assessed. The '91 CAP does not identify, for instance, the size or type of employers to be regulated or the agency responsible for implementation or enforcement of the employer-subsidized programs. This raises further concerns in that the Congestion Management Plans for the region currently in the process of development must be consistent with the '91 CAP.

C14-3

One Southland Mall  
Hayward, CA 94545  
415-782-5050  
415-887-9619 FAX

Owned and Managed by Equity  
Properties and Development Company

C14-P

A further consequence of the lack of specificity of the proposed TCMs is that they cannot be assessed for their cost-effectiveness, technological feasibility, total emission reduction potential, rate of reduction, public acceptability and enforceability as required by California Health & Safety Code Section 40922. For these reason, and because the draft '91 CAP impermissibly infringes on the power of local governments to regulate land use decisions (in violation of California Health & Safety Code Section 40716(b)), we believe that the '91 CAP's "ROG-First Control Strategy" is no more legally-viable than the "No Project" alternative.

C14-4

C14-5

With regard to the cost-effectiveness and potential emissions reductions assessments, we believe that any program which focuses on employers and commuters is misguided. Commuters only account for about 20% of the vehicle trips according to the draft EIR. Thus, restriction of these necessary trips cannot effectively eliminate a significant source of vehicle emissions. Further, without an adequate transit infrastructure already in place, these measures will only create new problems and frustrations for business and trade in the Bay Area and for employees forced to abandon their cars for an inadequate alternative -- delayed commutes on an already congested transit system subject to frequent breakdowns and incomplete service areas and times. It is difficult to see how a single working parent can have the flexibility needed to care for a child and hold a job while having to depend exclusively on public transit or alternatively having to pay for parking while shopping, going to work and transporting her children to school or care facilities. It is also difficult to imagine how already strained local governments, short of funds to keep open schools and maintain public property, will be able to absorb the additional costs of implementing and enforcing the proposed TCMs.

C14-S1

With regard to parking management fees, both for employees and consumers, it is clear that the greatest impacts of such regressive measures will be on the least privileged members of our society. While these measures are proposed to be implemented as soon as possible, the necessary transit infrastructure to obviate the need for vehicles will not be in place until some unspecified date in the future. Currently, funding does not even exist for current, let alone, projected, transit needs. This raises the question, not addressed in the draft EIR, of who will bear what portions of the cost of cleaner air?

We believe that shopping centers, by bringing together a large variety of stores in a single place to serve consumer



needs, may actually reduce vehicles miles traveled and congestion and parking problems in the Bay Area, by internalizing "combined trips." Shopping centers are the type of mixed use, high density development which should be encouraged under the '91 CAP. The role of the shopping center as a safe, clean social community center for young people should also not be overlooked. These positive contributions would be severely impacted by the imposition of parking fees on shopping center patrons. Many Bay Area residents might choose to drive to shopping centers outside of the Bay Area region to avoid the parking and other fees to be imposed under the '91 CAP, thereby increasing vehicle emissions by increasing total vehicle miles traveled and hurting the economy of the Bay Area by spending money elsewhere. The only way to avoid this undesirable outcome is through imposition of market-based measures such as a gas tax to create disincentives to long-distance driving.

C14-6

The costs of the '91 CAP in terms of reduced trade, increased travel times, increased costs of goods do to retailer pass-throughs of employer-subsidized costs and restrictions on personal freedom are dealt with only superficially in the draft EIR and in the Socio-economic Report. As the draft EIR mentions "to the degree that Bay Area firms are successful in passing along compliance costs to their customers, the resulting price increases would contribute to the region's rate of inflation" in a spiral of higher prices leading to reduced demand, declining output and, ultimately, job loss. Were the public made more aware of the potential impacts it faces, from job loss to mobility loss, we believe it would make its opinion known through widespread opposition. Discussions with our employees have raised many concerns amongst them concerning impacts of the '91 CAP.

C14-7  
C14-S2

The draft EIR identifies significant impacts from implementation of TCMs for which it fails to provide adequate mitigation. For instance, the increased emission of diesel exhaust from buses is to be mitigated by methanol-fueled or electric buses. Where is the source of funds for this conversion? How technologically-feasible and environmentally safe are methanol buses? Increases in emissions of carbon monoxide at intersections in the vicinity of transit facilities are not likely to be mitigated by traffic/air quality analyses or vague "encouragements" to take actions to reduce this impact, but are likely to affect the most disadvantaged sectors of the region's population. Addressing impacts of parking overflows into neighborhood surrounding transit station and major employers from implementation of TCMs by shunting responsibility for designing and implementing parking control measures onto

C14-8

C14-9



↑  
developers, transit operators, cities and counties is an abdication of responsibility by the BAAQMD. It does not address the simple fact that when you press on one side of a balloon, it will swell at another side or pop. The backups, congestion, overflow parking and added emissions caused by parking charges being required at parking lots is of particular concern.

C14-10

With regard to costs and impacts of the indirect source control program, the measure of greatest concern to us and our tenants, the draft EIR frankly admits "the likely travel impacts of this TCM are difficult to identify in the absence of information on the contents... and the lack of any experience to date with such a program" (draft EIR, p. 4.2-47). The BAAQMD should give this program content before proposing it in a plan which it intends to put out for meaningful comment.

C14-11

The BAAQMD's belief that "legislative authority to implement the market-based [TCMs] cannot be put into place before 1997" (draft EIR, p. 2-9), belies an important point: these measures may not be publicly acceptable. In the absence of the political will to make changes which would be dependent on people making choices and being given incentives as to how to spend and pollute, the BAAQMD has chosen instead to create further bureaucracy, a system for rationing the roadways and to impose command and control measures on employers. Although the "Accelerated Market-Based TCM" Alternative was identified as the environmentally superior alternative to the "ROG-First Control Strategy" because "it would achieve larger emissions reductions earlier, thereby reducing the exposure of the population to high levels of ozone sooner" (draft EIR, p. 2-9), the draft EIR assumes "this alternative is very unlikely to be possible to implement." We believe, like the BAAQMD itself, that the Accelerated Market Based TCM Alternative is the environmentally superior alternative; unlike the BAAQMD, we believe people are capable of making and must be given the opportunity to make decisions which affect their lifestyles, spending decisions and the air they breathe.

C14-12

↓  
It is our position that with proper public education and outreach, the market-based measures could be implemented; if they cannot, it means the measures are publicly unacceptable and therefore should not be implemented. Our society, particularly here in the West, has long held that people have the right to choose for themselves what they believe to be best for them. If the costs of a certain standard of clean air becomes unacceptably high to a society, it has the right to reject measures its finds too restrictive regardless of any implementing agency's mission. The BAAQMD's primary role should be to serve the needs of the

Mr. Henry Hilken, Planner  
Bay Area Air Quality Management District  
August 19, 1991  
.Page 5

people of the region. If it cannot convince them of the efficacy of certain measures, it should question those measures, not the political judgment of the people.

The '91 CAP assumes an inability by the public to reach a consensus on measures which would increase funding to improve transit, leading the planners to take a centralized command and control approach, rather than allowing people to make decisions for themselves. The basic approach of the District fails to rely on cooperation and voluntarism, restricting personal freedom and choice in an un-American way. The recent success of voluntary water rationing in several Bay Area counties should set the tone for measures in the '91 CAP, not strategies involving centralized rationing of road space.

We appreciate the opportunity to comment on the draft EIR and look forward to our concerns about the impacts of the '91 CAP being adequately addressed in mitigative measures in the final EIR for the '91 CAP.

Sincerely,

*David Brown*

David Brown *hau*  
General Manager  
SOUTHLAND MALL

C14-P

**Response to Comment  
Letter C14**

**RESPONSE C14-1**

Comment noted.

**RESPONSE C14-2**

On the points made by the commentator that: a) the DEIR fails to adequately identify the impacts of the TCMs, b) fails to address the legal shortcomings of the CAP, c) identifies serious impacts of the TCMs without adequate mitigation, d) and ignores flaws in the basic conceptual spirit and assumptions of the CAP:

- a) Please see the response to Comment C9-2.
- b) Please see the response to Comment C9-4.
- c) The DEIR proposes mitigation for all impacts, where possible. In situations in which: 1) mitigation is not available, 2) the District is not certain that the mitigation would be sufficient to alleviate the impact, or 3) the District identifies mitigation, but cannot be certain at this time that such mitigation would relieve impacts at each and every impact site (e.g., each transit station), the DEIR notes that such impacts might be significant and unavoidable. It is the purpose of an EIR under CEQA to mitigate significant impacts as fully as possible and to identify those impacts for which complete mitigation may not be possible.
- d) The commenter is not specific regarding the flaws and assumptions to which he is referring.

**RESPONSE C14-3**

The implementation and details of specific control measures identified in the CAP will be addressed by the District during the rule development and rule adoption process and processes of other agencies responsible for implementing measures in the CAP. The level of detail in the DEIR is appropriate for the review of a plan. As the commenter has not specified environmental impacts that are not adequately addressed in the DEIR, specific responses are not possible.

In response to the comment regarding consistency between CMPs and the CAP, please note that neither the CCAA nor CMP legislation grant the BAAQMD authority to require CMPs to conform to the CAP. However, CMPs can help implement many of the CAP TCMs. The BAAQMD has worked and will continue to work with CMAs to promote consistency between CMPs and the CAP.



RESPONSE C14-P	See Section 1.2 regarding comments on the CAP.
RESPONSE C14-4	<p>The District disagrees with the assertion that "... the draft '91 CAP impermissably infringes on the power of local governments to regulate land use decisions ..." The CCAA, Section 40716(a) of the California Health and Safety Code, makes explicit the authority of air districts to adopt and implement regulations to reduce or mitigate emissions from indirect sources of air pollution.</p>
RESPONSE C14-5	<p>The District is required by the CCAA to adopt all feasible control measures on an expeditious schedule. The California Air Resources Board has identified the employer-based trip reduction rule as a reasonably available TCM that must be included in the CAP. It should be noted that the employer-based trip reduction rule is just one of a package of TCMs proposed in the CAP. The CAP proposes numerous TCMs intended to reduce non-work trips.</p> <p>Even as a minority proportion of total trips, reducing commuter trips would be a substantial contribution to reducing overall trips and motor vehicle emissions.</p> <p>We concur with the commenter that auto alternatives need to be enhanced in order to respond adequately to the increased demand that will result from implementation of the CAP. The CAP identifies a wide range of mobility improvements specifically intended to enhance alternatives to the single occupant automobile. The CAP also proposes various measures to raise revenue to fund the mobility improvements.</p> <p>Impacts to local governments are discussed in Section 4.6, Public Services and Utilities, and economic impacts are discussed in the Socioeconomic Report.</p>
RESPONSE C14-S1	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE C14-6	Comment noted.
RESPONSE C14-7	<p>While the impacts noted in the comment may occur, the Socioeconomic Report also indicates that, "[o]ver the longer term, many of these economic impacts will become less significant as the economy adjusts to increased use of alternatives to the single occupancy vehicle (p. 22)." However, the report is structured to show potential costs to employees and consumer groups.</p>
RESPONSE C14-8	<p>The commenter states that the DEIR does not provide adequate mitigation for significant impacts, providing the example of increased emission of diesel exhaust from buses. The DEIR provides adequate mitigation measures where possible, or states that the</p>

impact will remain significant and unavoidable. The DEIR states in Mitigation Measure 4.1-4 that the impact of increased diesel exhaust would remain significant and unavoidable. Similarly, as stated in 4.1-4(a), alternative vehicles would be used "where transit districts determined they were feasible", and likely if funding is available.

The technological feasibility and environmental impacts of methanol vehicles are discussed in Chapters 4.1, 4.5, 4.6, and 4.7.

Project specific environmental review for new transit facilities would identify potential local CO exceedances and would require proper mitigation to reduce emissions to a less than significant level. Possible mitigations include shuttle bus service from shopping and employment center, improved bicycle access, reduced parking, and parking fees.

RESPONSE C14-9

The commenter's opinion regarding BAAQMD responsibilities is noted. Overflow parking and other impacts associated with parking fees are discussed under TCM 2 (page 4.2-31) and Market Based Measures (page 4.2-53) of the DEIR.

RESPONSE C14-10

Comment noted. Details regarding specific requirements and implementation of the Indirect Source Control Rule will be proposed and evaluated during the formal rule making process following adoption of the CAP. The rule making process will include public workshops to solicit public input on draft rules.

RESPONSE C14-11

Comment noted.

RESPONSE C14-12

Comment noted.

RESPONSE C14-P

See Section 1.2 regarding comments on the CAP.

rec'd 8/19/91

LETTER C15

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BY HAND DELIVERY

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Draft Environmental Impact Report  
for the Bay Area 1991 Clean Air Plan

Dear Mr. Hilken:

These comments on the Bay Area 1991 Clean Air Plan Draft Environmental Impact Report ("DEIR") are submitted on behalf of The Taubman Company. As we have indicated in previous correspondence with the BAAQMD and the Metropolitan Transportation Commission, The Taubman Company is strongly opposed to the non-work site parking charges now proposed for Phase III of the Clean Air Plan. The Taubman Company owns and operates major retail shopping centers in the Bay Area, including SunValley (Concord), Stoneridge (Pleasanton), and Hilltop (Richmond). These shopping centers in turn represent over 400 retailers including national chains as well as small privately owned businesses.

Our review of the Draft EIR indicates that it suffers generally from a lack of detail and precision, particularly with regard to the air quality benefits claimed. Beyond that overall comment, the remainder of these comments focus on the failure of the DEIR to adequately identify the air quality benefits, and

C15-1



other environmental impacts, associated with implementation of parking fees at non-work sites.

C15-2

1. Project Description for the Parking Charges is Inadequate

The DEIR fails to describe the non-work site parking fee proposal in any level of detail. The only description provided in the DEIR indicates that the measure would involve mandatory fees for commercial establishments at the rate of \$0.60/hour DEIR at 3-34.

C15-3

No information is provided regarding where the fees would be imposed; that is, whether they will be required uniformly throughout the Bay Area or only in some jurisdictions, or whether they be imposed at all retail centers, or only at large centers. No information is provided as to whether the fees would be imposed under the jurisdiction of cities, counties or the state. Moreover, the DEIR fails to delineate how the fee measure would be administered. In short, the DEIR fails entirely to provide any meaningful information about the proposal other than the projected fee rate.

C15-4

A clear project description is a fundamental requirement of CEQA. In the absence of such a description, the public is prevented from analyzing the impacts of the proposal, and cannot offer meaningful comments to the agency. It is not apparent whether the BAAQMD intends this DEIR to be a program EIR, anticipating further environmental review for particular transportation control measures ("TCMs"), or whether this DEIR is intended to serve as the project EIR for each TCM. If it is intended to be the project EIR for the parking charges, in its current form, the DEIR is inadequate. However, the document is fundamentally flawed even as a programmatic EIR because so little is revealed regarding the proposed parking fee program.

C15-5

2. Inadequate Discussion of Air Quality Impacts.

The DEIR claims that the Phase III "market-based" TCMs will result in extremely substantial air quality benefits as a total package. However, the DEIR fails to provide any information to support this claim. Air quality benefits for Phase III TCMs are lumped together and there is no way to discern what reductions in emissions are attributable to particular TCMs. The Draft EIR fails to inform the public or decision-makers about

the reductions in either specific criteria pollutants (Table 4.1-5) or VMT or trips (Tables 4.2-7, 4.2-8) attributable to the proposed non-work site parking charges. This stands in marked contrast to the information provided regarding individual Phase I and Phase II TCMs. (See, e.g., the Tables cited above.)

C15-6

Without specific information about the air quality impacts of the proposed parking fees, neither the public nor the decision-makers can fully evaluate this TCM. Given the enormous costs projected for the implementation of Phase III, it would be wholly unreasonable for the BAAQMD to adopt a long-term package of TCMs without specifically evaluating their air quality impacts. Moreover, in light of the surprisingly large air quality benefits claimed by the BAAQMD for Phase III (the Draft EIR indicates that Phase III will achieve two times the air quality benefits of Phases I and II together), the public and other interested agencies must have an opportunity to evaluate the BAAQMD's data and methodology.

C15-7

The failure to provide any information or technical basis regarding the air quality benefits attributable to the parking fee measure (and the other Phase III TCMs) is disappointing, and is a critical deficiency focused on in our prior correspondence with the BAAQMD and MTC. In the absence of specific data to the contrary, we remain extremely skeptical that charging consumers to park at non-work site areas will reduce total hydrocarbon emissions in the Bay Area in any material way, even if such consumers are thereby discouraged from driving.

C15-8

### 3. Inadequate Discussion of Transportation Impacts.

In its current form, the DEIR identifies neighborhood overflow parking problems as the single transportation impact of the proposed non-work site parking fees. DEIR at 4.2-53. This discussion of the transportation impacts of the proposed parking charges is seriously flawed in several respects.

C15-9

First, the DEIR contains no analysis of the impact of the non-work site parking charges on the use of passenger cars for trips to retail centers -- the very trips which are targeted by this measure. The DEIR fails to discuss the current transportation impacts of free parking at retail centers, and provides no information regarding how the elimination of free parking at these centers will effect transportation trends. Given the air quality benefits claimed, this oversight in the



DEIR is entirely unjustifiable. The BAAQMD must provide a reasoned analysis regarding the transportation impacts of eliminating free parking at retail centers in terms of trip reductions.

C15-10 — Second, the DEIR contains no analysis regarding the transportation impacts of eliminating free parking in the absence of viable transportation alternatives to retail centers. The Clean Air Plan and the DEIR both fail to provide alternative transportation to non-work site areas which would be the direct targets of the parking fees. Although the Clean Air Plan calls for a variety of transit improvements, we discern nothing in the Plan or the Draft EIR specifically geared toward providing access to commercial and retail centers where free parking would be eliminated. Moreover, the Draft EIR is extremely unclear as to when various transit measures will be in place. It appears entirely possible that parking charges could be imposed prior to the implementation of meaningful alternative transportation modes. Therefore, the Clean Air Plan could have the ironic effect of discouraging consumers from going to retail centers without providing them with alternatives of any kind. Surely this result cannot be in the public interest.

C15-11 — Third, the Draft EIR fails to quantify the transportation-related costs of implementing and administering the parking fee proposal. For example, the Draft acknowledges that non-work site parking fees would require reconstruction of parking lots to control access and to allow for the collection of parking fees. DEIR at 42.-53. However, it fails to address the question of who will make these changes and how they will be funded. Again, it is certain that retrofitting all of the free commercial parking lots in the Bay Area will be extremely expensive, altering the cost/benefit analysis of the parking fee proposal. However, we are unable to analyze this issue in the absence of additional information in the DEIR.

C15-12 — We urge the BAAQMD to take a hard look at the transportation impacts associated with the non-work site parking fees, beyond the parking impacts to local neighborhoods.



4. Failure to Adequately Analyze Additional  
Environmental Impacts of the Proposed Parking  
Charges.

C15-13

Throughout the Draft EIR, the BAAQMD claims that the parking charges (as part of the market-based TCM package) will have a beneficial impact on the environment. At no point are these impacts quantified or substantiated. See, e.g., DEIR at 4.3-15, 4.6-13 and 4.8-15. The DEIR must be revised to provide sufficient evidentiary support for the claimed benefits of the proposed non-work site parking fees on land use, biological resources and public services.

C15-14

Moreover, the DEIR fails entirely to address the socio-economic impacts of the parking charges and the potential adverse environmental impacts resulting from such socio-economic effects. CEQA authorizes lead agencies to evaluate economic or social information regarding a project in the context of an EIR. 14 C.C.R. Section 15131. We believe the BAAQMD's failure to address the socio-economic impacts associated with parking charges was in error.

C15-15

For example, discouraging consumers from using personal automobiles to access retail areas could have profound and negative impacts on land use if this policy encourages the proliferation of small unattractive strip centers over large centralized shopping centers. Moreover, discouraging car travel to commercial areas without providing direct and efficient alternatives may substantially increase the cost figures attributable to this TCM, and indeed possibly to the Clean Air Plan as a whole. We remain convinced that the non-work site parking charges will have a substantial negative impact not only on all Bay Area retail and other commercial enterprises and their public patrons, but also on not-for-profit facilities such as schools, churches and hospitals. We urge the BAAQMD to evaluate the socio-economic impacts associated with non-work-site parking fees.

C15-16

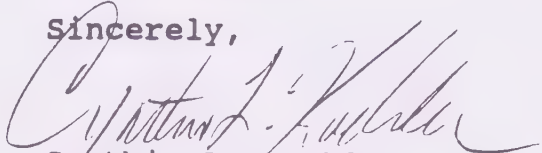
In sum, the Draft EIR and the Clean Air Plan have done nothing to alleviate our concerns with regard to this very oppressive and regressive proposal. We urge the BAAQMD to delete the proposal to impose charges on parking at non-work sites from the final Clean Air Plan. Alternatively, the DEIR must be substantially expanded to adequately analyze this measure.

Henry Hilken, Planner  
Bay Area Air Quality Management District  
August 19, 1991

Page 6

Thank you very much for your consideration of our views  
with regard to this matter.

Sincerely,



Cynthia L. Koehler

cc: Larry R. Hunt

**Response to Comment  
Letter C15**

**RESPONSE C15-1**

The DEIR provides detailed information on the environmental impacts of the CAP (see Response C9-1). The level of detail is appropriate for a program EIR. The details and implementation of specific measures identified in the CAP will be addressed by the District during the rule development and adoption process and processes of other agencies responsible for implementing measures in the CAP.

The air quality benefits are described in detail in Section 4.1 and Appendix D of the DEIR. Emission reductions are summarized in Table 4.1-4 (page 4.1-21) and Table 4.1-6 (page 4.1-38). Emission reductions by control measures are presented in Table 4.1-5 (pages 4.1-24 and 4.1-25) and Appendix D.

For data on air quality benefits of specific market-based measures and non-work parking fees, see Response C15-5.

Regarding environmental impacts of parking fees, see Responses C15-2 and C15-3.

**RESPONSE C15-2**

As stated on page 3-34, "Non-work parking would involve mandatory parking fees for commercial establishments and streets in commercial areas throughout the Bay Area. The analysis assumed non-work parking charges at \$.60/hour." This measure is not proposed for implementation during Phase 1. Further details of this measures will be developed during the next update of the CAP and subsequent program development.

**RESPONSE C15-3**

As stated above, the DEIR evaluated parking charges throughout the region, including but not limited to retail centers. Also see Response C15-2.

**RESPONSE C15-4**

See Response C15-1.

**RESPONSE C15-5**

The comment notes that information is needed regarding the air quality and transportation impacts of each component of the proposed market-based measures.

Table 4.1-5 of the DEIR is amended to include the following:



	<u>HC%</u>	<u>CO%</u>	<u>NO<sub>x</sub>%</u>	<u>PM<sub>10</sub>%</u>	<u>CO<sub>2</sub>%</u>
22a Smog-based vehicle registration fee	4.5	4.5	1.2	0.2	1.0
22b Regionwide congestion pricing	5.5	7.5	2.9	1.8	6.5
22c Non-work parking fees	4.6	5.1	4.5	4.2	4.7
22d Gas tax increase (\$2.00/gal)	7.8	7.6	7.8	8.1	8.1

(Total is less than sum due to synergistic effects of measures)

Estimated emission benefits from worksite parking fees are incorporated into the emission reduction estimates for TCM 2 (employer-based trip reduction).

Regarding transportation impacts of non-work parking fees, see Responses C15-9 through C15-11.

RESPONSE C15-6

Estimates of the air quality and transportation impacts of the transportation control measures are based on "state of the art" computer modeling by the consulting firm of Deakin, Harvey, Skabardonis. The methodology is explained on pages 4.2-16 through 4.2-25 of the DEIR.

RESPONSE C15-7

See Response C15-5 and C15-6.

RESPONSE C15-8

See Response C15-9 through C15-11.

RESPONSE C15-9

Table 4.2-8 of the EIR is amended to include the following data regarding the percentage reduction in VMT and Vehicle Trips for the components of the market-based measures:

	<u>VMT%</u>	<u>Vehicle Trips%</u>
22a Smog-based vehicle registration fee	0.2	0.1
22b Regionwide congestion pricing	1.8	2.2
22c Non-work parking fees	4.2	5.4
22d Gas tax increase (\$2.00/gal)	8.1	7.6

(Total is less than sum due to synergistic effects of measures.)

These reductions are compared to projected vehicle travel for the year 1997 without implementation of the proposed transportation control measures. The data for measure 22c reflects the impact of the non-work parking fees on intra-regional vehicle travel. Data is not currently available to isolate the effect of 22c on shopping centers only.

RESPONSE C15-10

The basic approach for the market-based measures, such as parking fees, is that the level of fees would be linked to transit improvements and other transportation alternatives. Fees will be set at a low level initially and will increase as transportation options become available. The specific fees would be set by State legislation, and it is anticipated that the legislation would specify transportation alternatives to be funded.

Phase 1 TCMs include implementation of transportation alternatives such as rail service expansion (TCMs 3 and 6), rail extensions (TCM 4), extended ferry service (TCM 7), new HOV lanes (TCM 8), and transit service and fare coordination (TCM 13).

Implementation of several of these measures has already begun and will expand in following years. Other measures have implementation dates beginning in 1992 and beyond. Specific schedules for implementing these measures are included in Transportation Control Measure Descriptions (CAP Appendix F). Schedules for implementing Phase 2 transportation alternatives are dependent upon receipt of legislative authority for funding.

Note that the data in Response C15-9 shows a 5.4 percent reduction in vehicle trips due to non-work parking fees. Modeling results indicate that about 3 percent would be shifted to transit or other alternative modes; the remaining trips would be eliminated. The eliminated trips would not necessarily translate into reduced sales, however. The same level of retail activity may be achieved through more efficient use of trips, such as trip-linking.

RESPONSE C15-11

See Response C15-2 regarding implementation details and Response C15-14 regarding socioeconomic impacts.

RESPONSE C15-12

Because the comment does not identify specific transportation impacts, a specific response is not possible.

RESPONSE C15-13

The data on emission reductions and reductions in vehicle trips and VMT in DEIR Tables 4.1-5 and 4.2-8 and in Responses C15-5 and C15-8 provide sufficient evidence for the beneficial impacts on land use, public services and biological resources discussed on pages 4.3-15, 4.6-13, and 4.8-15 of the DEIR.

RESPONSE C15-14

The socioeconomic effects of the CAP are addressed in a separate document, Socioeconomic Report for the Bay Area 1991 Clean Air Plan (SR), dated July, 1991. The SR identifies the impacts of the market-based measures, including parking charges, on pp. 3-9, 21-22, 47-48, and 59-60. Furthermore, the environmental impacts of the socioeconomic effects are discussed in numerous locations in the DEIR, particularly Section 4.4, Population, Employment, and Housing; Section 4.3, Land Use; and Section 4.6, Public Services and Utilities.

RESPONSE C15-15

Local land use policy will determine the type of new commercial development. The District will influence local land use policy through several measures in the Plan: TCM 19, "Air Quality Element;" TCM 18, "High Density Zoning at Transit Stations;" and TCM 16, "Indirect Source Review." These measures will promote mixed use development and infill development to reduce the need for vehicle trips. The District's policies will not be to encourage "the proliferation of small, unattractive strip centers over large centralized shopping centers," as suggested by the commenter.

Regarding the need to provide direct and efficient transportation alternatives, see Response C15-10. Regarding socioeconomic impacts, see Response C15-14.

RESPONSE C15-16

See Response C15-1.



# BAY AREA COUNCIL

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### Ex Officio

**ANGELO J. SIRACUSA**

President & CEO  
Bay Area Council

August 16, 1991

Mr. Henry Hilken, Planner

Bay Area Air Quality Management District

939 Ellis St.

San Francisco, CA 94109

Dear Mr. Hilken:

The Bay Area Council, a regional public affairs organization sponsored by over 250 major businesses, submits the following comments on the Draft Environmental Impact Report (DEIR) for the Bay Area 1991 Clean Air Plan (CAP). We also attach the comments of Federal Reserve Bank vice president and economist Randall Pozdena regarding the Socioeconomic Report for the CAP, to which we request your formal response.

### Relationship Between Short-Term Uses of the Environment and the Maintenance of Long-Term Productivity, p. 2-8

The DEIR states that "there would be some short-term adverse impacts from implementation of the CAP . . . (including) the commitment of financial, material, and human resources." We disagree that these adverse impacts will be "short-term" in nature. The 1991 CAP is merely a starting point for a regulatory project to attain state ambient air quality standards, including for the pollutant ozone. And since the ozone standard is practically unattainable, that regulatory project is likely to cause adverse impacts for the foreseeable future.

### Impact 4.2-22 TCM 16 would result in a net reduction in vehicle-trips and vehicle-miles traveled (VMT). This would be a beneficial travel effect. TCM 16 is not expected to produce significant negative impacts on travel delays, travel safety, travel discomfort or parking overflow.

The CAP indicates that "new highways and road improvements which have the potential to generate additional traffic may also be classified as indirect sources." Yet, the DEIR contains no discussion of the potential impact of treating highways as indirect sources. MTC has raised the issue of whether indirect source review of highway projects will duplicate or interfere with MTC's role in making conformity determinations pursuant to the federal Clean Air Act Amendments of 1990. As a practical example, what would be the effect on "travel delays, travel safety, travel discomfort" if MTC approved construction of a road widening project, but the Air District disapproved it?

■ The Bay Area Council established in 1945 is a business-sponsored organization dedicated to analysis and action on regional issues. Its program currently focuses on regional growth management, housing, transportation and education and training. The Council co-sponsors the Bay Area Economic Forum.

C16-3

Cumulative Impacts and Mitigation Measures, p. 4.2-55

The DEIR states that the CAP "would offset roadway congestion and, by calling for improved transit facilities, would offset transit congestion as well." The conventional wisdom is that improvements in traffic congestion and air quality go hand-in-hand. Yet, a number of strategies to reduce congestion -- such as flextime, park & ride lots, and remote telework centers -- rely on shifting trips out of peak periods or shortening trips, not eliminating them. Specifically, these strategies could assist the private sector and local government in complying with another recent state mandate, the Congestion Management Program legislation. Will the Air District encourage or discourage these strategies?

C16-4

Impact 4.4-1 TCM's 1 and 2 would result in the employment of transit coordinators, by government agencies and private employers. This would be a beneficial effect.

This is an astounding statement. The employment of transit coordinators certainly would benefit the persons hired to fill such positions -- just as an Air District rule requiring each Bay Area business to hire five new people to count paper clips would benefit those hired to do the counting. The relevant question is: at what cost comes this "benefit"?

C16-5

The DEIR estimates that "the employment of transit coordinators could cost the private sector \$150 million per year." This, then, is the minimum cost of the employer trip reduction program. By letter to the Council dated July 19, 1991, the Air Pollution Control Officer stated that the trip reduction rule "is expected to result in a hydrocarbon reduction of 3.5%", which is contingent on the assumption that "the rule can set a performance standard equivalent to a \$3 per day parking charge." If this assumption is to be validated, Bay Area employers would need to do much more than hire transit coordinators to exhort workers to rideshare. Employers would have to offer transit subsidies and other financial incentives. If half the workforce affected by the proposed rule (about 1.5 million employees) were paid a \$20 monthly transit subsidy, the added private sector cost of the program would be \$360 million per year. In other words, either the District is overstating the effectiveness of the trip reduction rule, or understating its cost.

C16-6

The DEIR is "unclear" whether employers could absorb these program costs "without cutting employment costs elsewhere". It is not unclear to us. Either the company absorbs the costs, or consumers will pay higher prices for its goods and services. In the former case, the proposed rule would adversely affect job growth or productivity, or



both. In the latter instance, the proposed rule would have an inflationary effect on the regional economy.

Finally, the DEIR notes that "certain employers may choose to fund the program without increasing costs to their employees." For private and public sector employers that operate under collective bargaining agreements with employee labor unions, there may be little "choice" in the matter at all.

Impact 4.4-5 Mobility measures should have largely positive effects on business, including reduced costs of goods transportation due to improved road conditions. This may counteract the increased costs and associated employment impacts of other air quality rules. This would be a beneficial impact.

The Socioeconomic Report estimates that proposed stationary source controls will cost the region over 11,000 jobs. As noted above, there is also a potential adverse employment impact of employer-based transportation control measures. The DEIR presents no evidence that the effect of mobility measures on business could "counteract" these job losses. In addition, the use of employment impact statistics from MTC's Regional Transportation Plan (RTP) is misleading. The RTP contemplates \$34 billion in transportation improvements by the year 2010, while known funding totals only \$13 billion during that period.

Impact 4.4-7 Indirect Source Review may increase development costs in certain locations and alter the distribution of employment over the long term. This would be a less than significant impact.

The text in this section omits a number of potentially significant impacts:

(1) The CAP proposes an indirect source control rule for both new and existing sources, but there is no discussion in the DEIR of costs to retrofit existing facilities (i.e. bus shelters, bike racks, showers, etc.).

(2) The CAP states that the indirect source control program would cover commercial and residential projects, yet the DEIR analyzes only impacts to commercial development. What effects will the proposed rule have on residential project densities, design, and housing costs?

(3) In his letter to the Council dated July 19, 1991, the Air Pollution Control Officer stated that the cost-effectiveness analysis of the indirect source control program assumed the implementation of various "design review guidelines" only. Is the same assumption being made for purposes of the DEIR? If not, then the DEIR should analyze

C16-7

C16-8

C16-9

C16-10

C16-11




Mr. Henry Hilken  
August 16, 1991  
Page Four

↑  
the impact of a more permit-oriented program, including the effects on  
development of permit fees, permit delays, permit litigation, miti-  
gation fees, and mitigation measures.

Thank you very much for your time and attention to our comments.

Sincerely,

  
Steve Heminger  
Vice President

# FEDERAL RESERVE BANK OF SAN FRANCISCO

101 MARKET STREET. SAN FRANCISCO. CALIFORNIA 94105

RANDALL J. POZDENA, PhD  
Vice President  
415.974.3176

August 14, 1991

Mr. Steve Heminger  
Vice President  
Bay Area Council  
200 Pine Street, Suite 300  
San Francisco, CA 94104

Dear Steve:

As an economist, and member of the Steering Committee of the Bay Area Economic Forum, I welcome the opportunity to comment on the Socioeconomic Report of the Bay Area 1991 Clean Air Plan (CAP).

In general, the authors of the Report face clear challenges in assessing the impact of a proposal as complex as the CAP, and the Report provides useful categorization of the CAP impacts. However, the underlying economic analysis is extremely poor, damaging seriously the credibility of the Report, and particularly the notion of market-based remedies.

The number of specific areas in which I have problems are numerous. At this time, let me simply offer an assessment of some of the most severe problems.

1. **Employment Impacts.** The report asserts that there will be temporary transit-construction employment gains of 2500 per year for a period of 10 years, and permanent gains due to transit operation of 2880 jobs. Since the financing of transit construction will be out of various local fee sources and fiscal devices, there can be no net employment gains. While the additional spending on transit will generate transit employment, it comes at the expense of reduced private consumption spending elsewhere, and the attendant employment generated by that spending. The same logic applies to all of the alleged multiplier effects of the transit construction.

2. **Impacts of Market-Based Remedies.** This part of the report is very seriously flawed analytically. The market-based remedies are asserted, in several places, to burden the public with far greater costs than they will derive in

C16-S1

C16-S2

benefits. This cannot be possible, unless they are not market-based remedies, and should be called something else, like "arbitrary pricing schemes, the revenue from which is thrown away."

The whole point of market-based solutions is that additional fees are charged reflecting unassessed, but preexisting actual costs: costs that are borne by society, but not by the creator of those costs. Therefore, the net impact depends upon the productivity of the use of those revenues. By returning the revenues to the very users from which they were collected, for example, there would be no net impact except collection costs; this is the virtue of a fee-based regulatory system --it can be impact-neutral if you wish it to be.

In fact, of course, the whole point of implementing market-based solutions is because we believe that the market response to these fees will, in fact, reduce rather than add to the total of transportation. One effect, for example, will be to induce demand for high-occupancy vehicle modes, which enjoy significant economics of scale (in the dimension of passenger density). Thus, highway pricing, coupled with cost-beneficial investments in highway or transit capacity, by definition, will yield large, positive net benefits.

For congestion and emission fees, therefore, the bottom line is that the input data for the Report is wrong (that is, the CAP incorporates cost-ineffective uses of the collected revenue), the Report's analysis is wrong, or both. In any case, these elements of the policy should not be called market-based solutions if they are not.

C16-S3 3. **Parking Charges.** This reasoning in this section, similarly, is seriously flawed. Because the plan anticipates forcing employers to charge for parking (under Phase 3), the Report asserts that there are net costs of \$1.46 billion to the region.

This, too, is unsound economics. The practice of not charging for parking is a feature of an equilibrium compensation contract, and is induced by the tax treatment of in-kind, rather than in-cash corporate benefits. By forcing employers to charge for parking, the CAP will induce an offsetting increase in some other form of in-kind compensation, or in the form of an increase in the value of wage compensation. The employer finances these increases from the revenue from the parking charges; the employee receives them back in higher wages.

The only net cost is due to loss of the (federal and state) preferential treatment of in-kind parking. But the maximum cost is that associated with total loss of the tax-preference value of the free parking, namely, the marginal



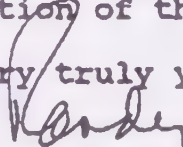
tax rate times the market value of the parking spaces. Thus, the net costs of this policy are at most the market value of the currently-unpriced spaces times the average marginal tax rate of employees. As an aside, the costs will be borne by employers, not employees, since the employer must pay the same tax-adjusted wage in competitive labor markets.)

In summary, the costs of this policy are probably less than a fifth of those cited in the Report.

4. **Health Impacts.** The section of the report on the benefits of air quality improvements is inexcusably brief. These impacts, on health and property damage (which I did not see cited in the report) are the underlying justification of the CAP in the first place, and should be assessed for each TCM, and stated in dollar terms. Only then can we know which TCMs, on the margin, are worth pursuing the hardest.

As these comments make clear, I think that this is an extremely poorly done report. I am agnostic on whether the bottom line on the CAP is positive or negative, but you cannot tell it from this report. Nor can you use its findings to fine-tune implementation of the CAP.

Very truly yours,



Randall J. Pozdena  
Vice President

cc: Michael McGill

C16-S4

**Response to Comment  
Letter C16**

- RESPONSE C16-1      The short-term impacts of the CAP are related to the implementation of those control measures identified in the CAP. This section of the DEIR does not address impacts that might result from additional efforts in subsequent plans that may be required to attain State ambient air quality standards. The nature of subsequent plans is too speculative for an analysis at this time.
- RESPONSE C16-2      See Response A1-6.
- RESPONSE C16-3      Congestion relief measures such as those discussed in the comment will be supported by implementation of TCMs to the extent that they reduce vehicle emissions. However, because the majority of automotive emissions occur during the first few miles of travel, trip reduction measures are favored over measures which merely shorten trips or shift them to off-peak periods.
- RESPONSE C16-4      As discussed in the Socioeconomic Report, Bay Area businesses would incur costs as a result of the implementation of the TCMs. It is important to note, however, that businesses would also accrue significant benefits as a result of improved mobility. Regarding the costs of TCM 2, Employer-Based Trip Reduction, the CAP proposes to provide employers with options for complying with the measure. As proposed, the District will set performance standards for compliance with the employer-based trip reduction program. Employers would then have the option of charging employees for parking and/or implementing other trip reduction efforts to comply. Employers could recover administrative costs of the program through parking fees.
- RESPONSE C16-5      See Response C16-4.
- RESPONSE C16-6      See Response C16-4.
- RESPONSE C16-7      For many employers in the region, the employer-based trip reduction program would be self-financing, and the cost impact would be incurred by the employees. However, a number of factors, such as labor agreements and shortages of skilled labor, may impede cost recovery in the early phases of the CAP.
- RESPONSE C16-8      The Socioeconomic Report indicates that the TCMs proposed in the CAP will result in significant benefits to businesses in the form of travel time savings. This would likely have positive implications for employment. The DEIR uses the word "counteract" in this context not to imply that these measures totally mitigate other cost impacts,

but rather that in and of themselves, mobility improvements would have benefits for industry.

Regarding the issue of funding for transportation improvements, the DEIR analysis is based on the proposed program of activities in the CAP, many of which are not funded at this time. The intent of the report is to identify the impacts of the activities if they move forward as planned.

RESPONSE C16-9

Costs associated with the implementation of the CAP are addressed in the Socioeconomic Report, not in the DEIR. Regarding costs associated with retrofitting existing buildings subject to TCM 16, this analysis would be too refined for this measure as it is currently proposed and therefore details of this specificity have not been included in the Socioeconomic Report.

See also Response C3-8.

RESPONSE C16-10

Pages 4.4-14 and 4.4-15 discuss possible impacts of indirect source control on residential development. Also, please refer to responses B2-2 and C3-7.

RESPONSE C16-11

The DEIR analysis is consistent with the statement by the Air Pollution Control Officer.

RESPONSE C16-S1

See CAP Socioeconomic Report, Response to Comments document.

RESPONSE C16-S2

See CAP Socioeconomic Report, Response to Comments document.

RESPONSE C16-S3

See CAP Socioeconomic Report, Response to Comments document.

RESPONSE C16-S4

See CAP Socioeconomic Report, Response to Comments document.





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OAKLAND, CALIFORNIA 94612-3550

August 15, 1991

Mr. Henry Hilken, Planner  
Bay Area Air Quality Management District  
939 Ellis Street  
San Francisco, Ca 94109

Dear Mr. Hilken,

The University of California (UC) appreciates the opportunity to review the 1991 Clean Air Plan (CAP) proposed by the Bay Area Air Quality Management District (BAAQMD). We look forward to working with you over the course of the next several years to provide input to your planning and rule-making processes. We recognize that it is critical for the San Francisco Bay Area to make substantial progress toward attainment of air quality standards to be in compliance with Federal and State regulations and timelines. Because of the size and diversity of our operations however, we realize that it is only through close consultation with the air district that we can plan carefully and effectively to make the best use of our resources to improve air quality in the region.

As the CAP develops into rules and regulations, it could have substantial impact on UC operations. UC is not only one of the largest employers in the region, but more than 40,000 students also commute to and from the campuses, medical schools and field stations in this region on a daily basis. Given the potentially large impact the University could have on local transportation, each UC location has strong commuter support programs to encourage carpooling, the use of mass transit systems, and a reduction in single occupancy vehicle use.

Beyond the major transportation impacts, UC's operations, like those of other research and teaching institutions, are probably among the most diverse in the nation. UC provides much more than a learning and teaching facility for students and researchers. We also provide housing for students and faculty, recreation facilities, arts and crafts studios, medical clinics that serve the public, theaters and museums used by the public, food services that feed tens of thousands of people daily, hazardous materials

C17-1

C17-2

management services for the research and clinical laboratories, print shops for book and large manuscript publication, campus grounds keeping and maintenance operations including paint shops, automotive repair and fleet maintenance, industrial heaters and electric power generators, and much more. In short, aside from the regulations addressing Refinery and Chemical Plant Processes, most of the control measures described in the CAP could have direct impact on UC.

The University is strongly committed to working with the BAAQMD to assist in improving air quality in the Bay Area. We understand our responsibility to model proactive environmental protection practices for large institutions, and are available to work with your staff and the public in developing the specific parameters that will bring the CAP from a planning document into regulatory reality.

With this in mind, UC has requested an in-depth workshop with BAAQMD staff (see attached letter to Mr. Tom Perardi). We plan to host the workshop for UC planners, architects, permitting staff, transportation coordinators and general counsel. In addition, we plan to invite our colleagues from other colleges and universities in the Bay Area.

As you can see from the attached, the primary goal for the workshop would be to develop the basis for closer working relationships between the BAAQMD and UC as the rule-making for the CAP begins. Such a workshop will help to orient UC staff to BAAQMD perspectives and mandates, as well as to provide the educational community with more detailed technical information than presented in the CAP or DEIR. We appreciate the initial reception of BAAQMD staff to this workshop proposal, and look forward to working with them to arrange this event.

We also have the following additional technical comments on the effects of the CAP and TCMS on UC facilities and the region in general:

C17-P — I. Clean Air Plan

- p.16      It appears that the bulk of the reductions in RHC/NO<sub>x</sub>/CO between the years 1994 and 2000 are obtained by reductions in automobile emissions. This does not appear realistic without a concomitant decrease from all other sources. Furthermore, this provision of the CAP may not be effective because its success may be dependent on technological improvements.
- p. 20      If no practical method has been determined for ozone standard attainment, it is unclear why the additional hydrocarbon reductions are being required. If it takes a 75% reduction in emissions to lead to ozone reduction,



then a lesser reduction in emissions would appear to be of little benefit. If such controls are to maintain current ozone standards this should be made clear.

p. 30 Some UC printing and paint shops have been required to obtain permits, and accordingly BAAQMD's statement that such activities have not been regulated to date appears inaccurate. If not inaccurate, further clarification about the exact nature of current regulations is needed so that the regulated community may better understand what is and what is not regulated.

p. 34 Intermittent controls, such as those described, may be of some benefit just as voluntary water rationing programs have obtained a large degree of success. However, before implementing such controls BAAQMD staff should carefully review the literature on other similar voluntary air pollution curtailment programs conducted in other parts of the country. There is little factual evidence to show that such programs substantially reduce air pollution when effects are normalized for changes in other factors such as weather. In addition, the non-discretionary activities such as commuting and business/industrial activities may be more difficult to modify through a voluntary program.

p. 47 For proposed stationary control measures there should be some consideration given for technological feasibility. For example, UC facilities use a small amount of high VOC paint to coat metal components/equipment. A low VOC paint which functions as well has not been available. The CAP proposed that new low VOC coating be required beginning in 1995. This schedule is dependent on the development of low VOC paints which have the same or very similar characteristics of currently used paints.

p. 54 Mandatory no drive days may be a hardship for employers without the necessary resources to implement VMT reduction programs. Some allowance should be afforded to employers falling into this category.

p. 60-61 Without a greater increase in the availability of affordable mass transit, the incentives of the CAP TCM plan may be punitive in nature with no concomitant benefits.

p. 68 The success of the "no net increase" permit program may depend on the existence of a viable emission bank from which entities can purchase emission credits. Yet, it is unclear how well the emission credit/bank system will work.

C17-P  
(CONT.)

C17-P  
(CONT.)

II. Clean Air Plan Addendum

TCM provisions in general are heavily dependent upon employer subsidies and penalties. For smaller employers these measures may be an undue financial hardship. Furthermore, the funding for mass transit is by no means guaranteed.

TCM #16 It is unclear how the provisions of this particular measure will be implemented. Alternatively, it is questionable whether the public and the retail industry would give up the ability to shop at will.

TCM #22 This measure will be punitive and may have a disproportionate affect on low income individuals if implemented absent a substantial increase in availability of affordable mass transit.

C17-3

III. Draft Environmental Impact Report for the Bay Area 1991 Clean Air Plan

p. 2-2 It is unclear what emissions limitations BAAQMD has in mind. It is uncertain whether a local air pollution control district, such as BAAQMD, has the jurisdiction to regulate automotive emissions. This issue should properly be within the regulatory jurisdiction of the California Air Resources Board. If BAAQMD is referring to the inspection and maintenance program, it would be helpful to be more specific to avoid confusion.

C17-4

p. 2-5 If disincentives to additional growth are mentioned, water permit limits and building moratoria should be included as they are typical of the no/slow growth measures enacted by local governments.

C17-5

p. 2-7 Without specific implementing regulations it is unclear how BAAQMD will channel growth along transit corridors, or anywhere else. This function has traditionally been handled by local planning agencies.

C17-6

p.2-14,15 Impacts on land use are to be mitigated by "encouraging" local governments to amend their general plans and zoning codes. This is a time consuming effort and may be subject to voter approval. Accordingly, it is uncertain whether many of the impacts may be subject to mitigation in the manner BAAQMD suggests. Furthermore, many of the impacts of TCMs are to be mitigated by local agency action, yet there is no indication where the funding for such measures will come from.



C17-7

To conform with CEQA and its associated Guidelines and case law, an agency must demonstrate that it can implement and monitor the implementation of proposed mitigation measures (i.e. that such mitigation measures are feasible). These mitigation measures rely on "encouraging" other local agencies to take action but lack a means by which BAAQMD will ensure that the action is taken. Yet, the DEIR indicates that the proposed mitigation measures will reduce impacts from significant to less than significant. Unless BAAQMD can demonstrate "feasibility" in conformance with CEQA, mitigation measures that lack specificity and/or which rely on another agency(ies) for implementation should be changed. Alternatively, if there are no feasible mitigation measures, BAAQMD should call out the impact as significant and unavoidable in accordance with CEQA.

C17-8

- p. 2-18 There appears to be some error in the mitigation measure listed in the table for the impacts associated with control measures A9 - A15, B1 - B6, C4, E1 and E4. It does not correspond to those in the text on page 4.5-14, and the measure listed in the table could not reduce the impact from significant to less than significant.

C17-9

In addition, in the text on page 4.5-14, the mitigation measure indicated for impact 4.5-7 states an "obligation" to follow applicable laws. In general, conformance with applicable laws and regulations would be considered a part of the proposed project. Specifically, if used as a mitigation measure by BAAQMD, BAAQMD must demonstrate that it can implement the measure (i.e. that it is feasible). At this time, BAAQMD has no authority to enforce solid and/or liquid hazardous waste laws or regulations, therefore it does not appear at this is a feasible mitigation measure for BAAQMD to propose.

C17-10

- p.2-24-31 Again, many proposed mitigation measures rely on other agencies and state what they "should" do, and what they would be "encouraged" to do. In addition, mitigation measures are proposed which rely on enforcement of laws and regulations outside of BAAQMD's jurisdiction. These mitigation measures, too, are used to reduce impacts from significant to less than significant, but these measures do not appear to be "feasible" in conformance with CEQA and its Guidelines.

C17-11

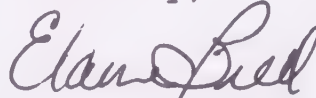
BAAQMD should carefully review its proposed mitigation measures to ensure that they are in conformance with the law, including aspects of feasibility, implementability, and the capability of accurately monitoring their implementation during the lengthy duration of the proposed project.



- C17-12 — p. 3-17 It is unclear how the CAP, which will not provide for attainment of standards for ozone emissions, will satisfy the requirements of the California Clean Air Act which mandates attainment of those standards.
- C17-13 — p. 3-33 The smog fee appears to be a novel and innovative method of reducing automobile emissions. In practice, however, the burden of such a program would no doubt be greater to low income individuals who do not have the ability to purchase newer, less polluting automobiles. This impact should be explored.
- C17-14 — p. 3-34 The "congestion pricing" system may have mixed public acceptance as it has the potential of informing the government of all personal movement.
- C17-15 — p. 3-49 Retrofitting emission control devices to boilers may be expensive at UC institutions which may have numerous boilers needing retrofitting.
- C17-16 — p. 3-50 The BACT requirements of the "no net increase" permit program will be expensive to implement. The emission offset program will be difficult to achieve, especially if there are no readily available emissions credits to purchase.
- C17-17 — p.4.1-30 Implementation of TCM 10 appears to replace one pollutant with another without any determination that the new pollutant is less of a health hazard. The hazard potential of both should be considered and clarified in the final EIR.
- C17-18 — p.4.2-33 TCM 3 seems punitive as it requires the use of mass transit by the implementation of such measures as parking fees at places of employment, without any concrete attempts to alleviate the problems associated with using mass transit. This demonstrates that the CAP is a fully integrated program, that requires consistent and contemporaneous implementation of all its measures in order to be successful.
- C17-19 — p.4.4-11 In some instances the impact from CAP measures may lead to further adverse effects which do not appear to be fully addressed. For example, an impact from mobility improvements will be the creation of 250,000 jobs. This would necessarily result in more traffic and, therefore, more congestion, yet the level of significance of such impacts is not considered nor is the potential for any mitigation measures.

We look forward to working with you throughout the rule-making process. Please feel free to contact me at any time at (415/510) 987-9582. Thank you for considering these general and more specific comments regarding the CAP.

Sincerely,



Elaine Bild, PhD

Director

Legislative Analysis and  
Environmental Policy

cc: Ronald W. Brady  
Michael Bocchicchio  
John Lee  
Jan Tulk  
EH&S Directors: UCB, UCSF, LBL, and LLNL  
Planning Directors: UCB, UCSF, LBL, LLNL

a:baaqmd

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August 12, 1991

Tom Perardi  
Director of Planning  
Bay Area Air Quality Management District  
939 Ellis Street  
San Francisco, Ca 94109

Dear Mr. Perardi,

Thank you very much for agreeing to work with the University of California (UC) in developing a workshop on the Clean Air Plan (CAP) for our campus air quality staff. We understand the tight time pressures you are facing, and would propose that the workshop be scheduled at a convenient time after the October plan-adoption deadline.

UC owns or operates four major research and teaching facilities within BAAQMD's jurisdiction: UC Berkeley, UC San Francisco, the Lawrence Berkeley Laboratory, and the Lawrence Livermore National Laboratory. We employ thousands of workers, and attempt to assist and coordinate the commuting of more than 40,000 students in addition to our employees. Furthermore, UC is one of the most diverse and complex institutions within BAAQMD's jurisdiction.

Universities and other research locations are, in essence, small cities with a myriad of services offered on a single site. Upon initial review of the CAP, it seems that most of the proposed regulations may affect UC's current operations and long-range development. While it is difficult to assess the exact effects of the CAP prior to the rule-making process, it is apparent that significant impact will be felt at all of our locations within the BAAQMD.

Some key workshop planning elements are listed below for your information and consideration:

1. Target Audience:

a. UC planners, architects, permitting staff, general counsel, environmental health and safety specialists, administrators.



b. Colleagues from Bay Area colleges and universities with similar concerns and pressures as faced by UC.

2. Sample Content Areas to Include:

a. Mandates and timelines required by the Federal Clean Air Act and the California Clean Air Act.

b. Air dispersion assumptions and models used to develop the CAP. Brian Bateman, or someone with similar technical skills in modelling, may be an appropriate presenter on these issues.

c. Proposed Transportation Control Measures (TCMs) that will impact UC. We are interested in changes in existing commuting programs, the impact of TCMs on future land development, and the proposed fee and permitting measures highlighted in the CAP. Michael Murphy, or someone with similar skills may be an appropriate presenter on these issues.

d. An overview, timeline and any specifics known at this time regarding the proposed control measures on Surface Coating and Solvent Use, Fuels/Organic Liquids Storage and Distribution, Combustion of Fuels, Other Industrial/Commercial Processes, Other Stationary Source Control Measures, Intermittent Control Measures and Motor Vehicles. We are in the process of determining which of these are of highest interest to UC operations and will work with BAAQMD staff to narrow the scope of the issues of interest.

e. A description of the rule-making process and the mechanisms for UC involvement in this process. A particular focus on timelines for proposed rules would be most helpful.

f. A description of the proposed expanded permitting process and how it might affect state institutions (e.g. the California State University system) and public corporations like UC. In advance of the workshop we would like to discuss with BAAQMD staff UC's "constitutional" status with regard to local planning, zoning, and permitting requirements so that discussions can be as tailored as possible to the needs of UC staff.

g. A description and discussion of the indirect source provisions and their applications to research and educational institutions such as UC facilities as well as private schools (e.g. Stanford) and other state institutions.

h. An overview of BAAQMDs approach to enforcement of the provisions of the CAP would also be helpful and could serve as an excellent opportunity to educate members of the educational community about enforcement of air pollution regulations. Jack Bean may be an appropriate presenter on this topic.

3. Logistics:

- a. Date: sometime between mid-November and mid-December.
- b. Time: half-day workshop (8:30 - noon).
- c. Place: we would be pleased to host the workshop at the University of California Office of the President in Oakland.
- d. Outreach: we would be pleased to coordinate the invitations and registration for the workshop.

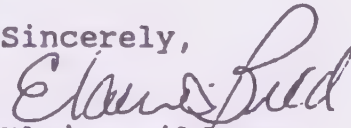
4. Planning Process:

One or two short meetings between UC and BAAQMD staff may be helpful to plan presentations, and training materials, etc. UC would be able to provide detail on the learning needs of our staff and our colleagues from other colleges and universities. BAAQMD could provide the technical and planning expertise regarding the CAP.

Thank you again for your interest in working with us to provide this workshop. It will undoubtedly assist the University of California and other educational institutions in planning for the proposed changes and in participating more fully in the rule-making process.

Please contact me at any time with questions or concerns (415/510) 987-9582. Marice Ashe from my staff will be coordinating details and logistics for UC; she can be reached at (415/510) 987-9272. We look forward to working with you.

Sincerely,



Elaine Bild, PhD  
Director

Legislative Analysis and  
Environmental Policy

cc: Ronald W. Brady  
Michael J. Bocchicchio, Jr.  
Administrative Vice Chancellors, UCB and UCSF  
Associate/Deputy Laboratory Directors, LBL and LLNL  
Jan Bush  
Milton Feldstein

**Response to Comment  
Letter C17**

- RESPONSE C17-1                      The comment is noted.
- RESPONSE C17-2                      The District concurs with the comment that regulations adopted as a result of the implementation of the CAP could have a direct impact on the operations at the University of California facilities in the Bay Area.
- RESPONSE C17-P                      See Section 1.2 regarding comments on the CAP.
- RESPONSE C17-3                      The regulatory authority of the BAAQMD to promulgate transportation control measures is pursuant to AB 3971, (Cortese, 1988). For a discussion of this bill refer to pages 3-12 and 3-14 of the DEIR. In addition, the CCAA (AB 2595, Sher, 1988) gives air districts authority to adopt, implement, and enforce transportation control measures for the attainment of State ambient air quality standards (see Volume 2: Appendices to the DEIR, page B-10).
- The commenter is correct that the BAAQMD does not have authority to regulate automotive emission standards or implement the vehicle Inspection and Maintenance Program. These actions are the jurisdiction of the California Air Resources Board and Bureau of Automotive Repair, respectively.
- RESPONSE C17-4                      The discussion on page 2-5, Land Use, provides a summary of the environmental setting for the CAP and does not address specific impacts from the implementation of the CAP. For a more in depth review of the environmental setting please refer to Chapter 4.3, Land Use and Planning, Setting.
- RESPONSE C17-5                      The BAAQMD does not have regulatory authority over local land use decisions. The BAAQMD will implement TCM 18, Zoning for High Density Near Transit Stations, through TCM 16, Indirect Source Control and TCM 19, Air Quality Elements for General Plans. These measures will provide performance standards and guidance to encourage cities and counties to plan for high density cluster development, with mixed uses, near transit stations.
- RESPONSE C17-6                      Regarding the District's ability to indirectly influence local agencies' implementation of mitigation measures, see Response C17-7. Funding for implementation of TCMs by local governments is addressed in the Socioeconomic Report, Chapter 5, Impacts to Local Governments, Section 5.2, Impacts of Transportation Control Measures. Regarding funding for mitigation measures, it is assumed that in many cases local governments would have to make general fund expenditures. Also, state funding may become available



through legislation sponsored by the BAAQMD and MTC. In addition, District delegation of TCM 16, "Indirect Source Control" (ISC), to cities and counties, would allow local governments to implement their own ISC programs. If a local government chose to include permit fees for development, this would be another possible source of revenue for implementation of TCMs and/or mitigation measures.

RESPONSE C17-7

The District may have the ability to indirectly influence local and county agencies to implement mitigation measures. Currently the District has authority to implement an indirect source control measure included in the CAP as TCM 16. This authority may be delegated to city or county governments which comply with District criteria for delegation of the indirect source control program. Delegation of this authority may depend on District approval of air quality elements of general plans which would be required to be in conformity with the CAP. Conformity of general plans with the CAP would provide a "feasible" mechanism by which impacts resulting from the CAP could be mitigated (see page 3-31 and 3-32 of the DEIR). Because general plans are required to be internally consistent, local governments adopting or revising air quality elements to conform with the CAP would also be required to have such elements as land use conform with both the CAP and the air quality element of that plan.

RESPONSE C17-8

See Response C17-9.

RESPONSE C17-9

Impact and mitigation measure 4.5-7 of the DEIR is revised to read:

Impact

**4.5-7 Implementation of control measures A9, A14, A15 may involve increased generation of solid and liquid hazardous waste from spent or regenerated activated carbon. Generators of hazardous waste would be required to comply with applicable federal, State and local agency laws and regulations and therefore this would be a less than significant impact.**

Mitigation Measure

*4.5-7 None recommended or required.*

RESPONSE C17-10

The process by which the District would "encourage" mitigation of impacts which are outside the District's authority are described in the Mitigation Monitoring Plan. The Mitigation Monitoring Plan states that the District would notify agencies of the implementation of control measures that would affect activities within their

jurisdiction. The District would recommend a course of action to be taken by the agency in regards to potential environmental impacts and mitigation measures identified in the DEIR.

- RESPONSE C17-11      See Response C17-7 and C17-10 regarding the conformance with the law, feasibility and implementability of the mitigation measures proposed in the CAP.
- RESPONSE C17-12      The California Clean Air Act allows districts which are unable to demonstrate attainment of State standards by 1997 or achieve five percent per year emission reductions to develop a plan which includes every feasible measure and an expeditious rule adoption schedule (see Chapter 3. Project Description, Section 3.3, Purpose and Objectives of the 1991 Clean Air Plan, first paragraph).
- RESPONSE C17-13      The implementation of specific control measures identified in the CAP will be addressed by the District during the rule adoption and rule development process and processes of other agencies responsible for implementing measures in the CAP. See the Socioeconomic Report, Chapter 4, Impacts to Commuters and the General Public, Section 4.2, Impacts of the Transportation Control Measures for a discussion of the impact of market-based TCMs on low-income households. To mitigate the impact of market-based TCMs on low-income households the District proposes that part of the market-based revenues should be used to address equity issues.
- RESPONSE C17-14      Concerns regarding the privacy of individuals has been noted and will be taken under advisement in the development of legislative recommendation related to "congestion pricing".
- RESPONSE C17-15      The District recognizes that there will be costs associated with the implementation of all of the control measures. The socioeconomic impacts of the CAP are discussed in a separate document prepared in parallel with the environmental review of the CAP.
- RESPONSE C17-16      See Responses C17-13 and C17-15.
- RESPONSE C17-17      The goal of the CAP is to attain the State ambient air quality standards for carbon monoxide and ozone. The control measures proposed in the CAP, while reducing the ambient levels of these pollutants, could have some localized side effects which are significant and unavoidable impacts. The DEIR identifies not only the benefits resulting from the anticipated reduction in the ambient concentrations of CO and ozone but also identifies the possible adverse impacts from the emission of other air pollutants. The District believes that the implementation of the CAP would result in a net reduction in the emission of toxic air contaminants. For a discussion of the overall public health benefits resulting from the

implementation of the CAP, in regards to toxic air contaminants, see Impact 4.5-1 of the DEIR.

RESPONSE C17-18

The District assumes that the commentator is probably referring to TCM 2, where worksite parking fees are an option under the employer-based trip reduction program. The CAP is and must be a fully integrated program. The CAP proposes a wide range of transportation improvements to enhance alternatives to the automobile, as well as revenue measures to provide funding for the improvements.

RESPONSE C17-19

Construction of the mobility improvements themselves would generate a temporary increase in construction worker employment. The additional trips generated by construction workers would be a relatively short term and transitory impact of the mobility improvements. The additional trips would represent a relatively insignificant portion of the total project impacts over the 20 and 30 year design life of each project.



## SANTA CLARA VALLEY AUDUBON SOCIETY, Inc.

July 27, 1991

Mr. Paul Cooperman, Chair  
Bay Area Air Quality Management District  
939 Ellis Street  
San Francisco, CA 94109

RECEIVED  
JUL 30 1991

CLERK OF  
THE BOARDS

Dear Chairman Cooperman,

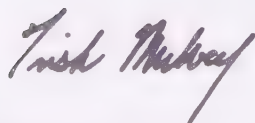
The Santa Clara Valley Audubon Society is supportive of Clean Air programs which include mass transit and reduce dependence on private automobiles for a number of reasons. These range from controlling urban sprawl (which destroys open space and wildlife habitat) to reducing demands for fossil fuels (often found in environmentally sensitive areas such as the Arctic National Wildlife Refuge and coastal waters) and include the important public health, welfare and safety goals which are also of concern to our members.

In addition, we support Clean Air programs which will help protect San Francisco Bay from the pollution which results from direct deposition from the air as well as from poison runoff conveyed in storm drains to the Bay and its tributary streams and rivers. (A copy of my statement to you and the other Board Members last Wednesday explaining this connection is enclosed.)

C18-1

The purpose of this letter is to ask that the Clean Air Plan and the Environmental Impact Report address these concerns. The specific issues which should be covered include pollution prevention opportunities which accelerate the provision of public transit, reduce motor vehicle use, and strengthen stationary source controls. In addition, ways in which the Bay Area Clean Air Plan and the Regional Water Quality Control Board's San Francisco Bay Basin Plan source reduction, regulation and enforcement programs can be integrated should be described.

Thank you for your attention to this request. Questions may be directed to me (415-326-0252) or at the address below.



Trish Mulvey  
Environmental Action Committee  
527 Rhodes Drive  
Palo Alto, CA 94303

cc: Steven Ritchie, RWQCB  
CLEAN South Bay

C18-1



SANTA CLARA VALLEY AUDUBON SOCIETY, Inc.

Statement to Bay Area Air Quality Management District Board, July 24, 1991

C18-P

My name is Trish Mulvey, and I am speaking on behalf of the Santa Clara Valley Audubon Society. First I want to thank you for having this hearing in the evening so members of the public can express our concerns.

The Audubon Society certainly strongly encourages you to adopt a strong Clean Air Plan which supports convenient and accessible mass transit and helps reduce dependence on private automobiles in order to reduce air pollution. But that is not the issue I want to ask for your help with tonight -- my concern is the pollution of San Francisco Bay and our streams and creeks that is also associated with automobiles and automobile related pavement -- like roads and highways and parking lots.

Let me describe the pollution I am talking about and then explain why this is an issue this Board needs to address. The automotive toxics that affect the bay are from tire wear and engine wear as well as from oil and gas leaks or other fluid leaks that wind up on the pavement, as well as from particulates in tailpipe emissions. All of these end up either as road dirt that is washed into storm sewers when it rains -- and then through those storm sewers runs directly to creeks or rivers or right to the bay without treatment (except here in San Francisco) -- or the toxics are particulates that are blown around by the wind and come to rest on roofs or other impervious surfaces and then are washed off into storm drains when it rains. Research done for the Santa Clara Valley Water District has shown that this poison runoff during storms is acutely toxic to aquatic organisms and contributes a substantial amount to the pollution in the Bay -- especially to South San Francisco Bay which has been identified by the State Water Board and the Environmental Protection Agency as a toxic hot spot which needs priority attention for clean-up according to the Clean Water Act -- and that is why I am here asking for your help.

This summer the Regional Water Quality Control Board is starting to work on updating the San Francisco Bay Basin Plan policies to address toxic discharges from public roads and highways. I attended their workshop on Monday this week while the staff gave briefings on this problem. During the discussion this concern about automobile related toxics getting to the Bay was specifically mentioned, and it was emphasized that the regulatory and enforcement programs of the clean air and traffic congestion management plans also need to consider Bay pollution-protection measures -- since those plans have direct impact on automobile use.

So I am here tonight to ask that you acknowledge this problem, and that you recognize the opportunity you have to help restore a clean and healthy bay at the same time you are addressing more traditional air pollution concerns which are also important to all of us.

Thank You.

C18-2



**Response to Comment  
Letter C18**

**RESPONSE C18-1**

The transportation control measures proposed in the CAP will encourage the use of mass transit and discourage the use of the automobiles throughout the Bay Area, thereby reducing automobile-related pollutants that may find their way into the watershed (see page 4.10-7 Overview of Mobile Source Control Measures). Similarly, stationary source control measures proposed in the CAP will also reduce the amount pollutants entering the watershed from direct deposition from the air. While there is no concerted effort between the District and the Regional Water Quality Control Board, the CAP should greatly aid the Board in reducing the pollutant loading of the Bay Area's watershed.

**RESPONSE C18-P**

See Section 1.2 regarding comments on the CAP.







June 3, 1991

STATE HEADQUARTERS:  
501 SECOND STREET  
SUITE 305  
SAN FRANCISCO  
CA 94107  
415.243.8373  
FAX: 415.243.8980

Bay Area Air Quality Management District  
939 Ellis Street  
San Francisco, CA 94109

Attn: Henry D. Wilken, Planner

Re: State Clean Air Act Plan

SOUTHERN CALIFORNIA OFFICE:  
122 LINCOLN BOULEVARD  
SUITE 201  
VENICE  
CA 90291  
213.450.5192  
FAX: 213.399.0769

CBE this spring had the benefit of having Josha Bronson serve as an intern with us. Josha is 12 years old and attends the San Francisco school.

BERKELEY OFFICE:  
15 SHATTUCK SQUARE  
SUITE 204  
BERKELEY  
CA 94704  
415.841.6163

Part of Josha's tasks included learning about the role of agencies like the BAAQMD and the development of an environmental plan. Josha attended a workshop at the District on new stationary source control rules.

Josha had intended to read the enclosed letter at the workshop on the new Clean Air Plan at the San Francisco workshop but illness prevented him. The letter was signed by 24 of his classmates.

Josha's letter hopefully will remind us that the bottom line of any Clean Air plan is public health, and it is our youth with their young developing lungs who face the gravest public health threat from continued ozone exposures or ultraviolet radiation due to depletion of the ozone layer.

Since this letter is late for the workshop due to Josha's illness, I would request that it be considered as part of the EIR process and responded to in the final EIR.

Thank you for your consideration.

Very truly yours,

Alan Ramo  
Legal Director

ADVISORY BOARD:  
(IN FORMATION)  
MARK ABRAMOWITZ  
ED BEGLEY, JR.  
ERIC BRAEDEN  
JACKSON BROWNE  
SUSAN BRIDGES  
BOB BURKETT  
JAYNE CHASE  
DON HENLEY  
DOLORES HUERTA  
SALLY KELLERMAN  
TOM & MIRIAM SCHULMAN  
STANLEY K. SHEINBAUM  
OLIVER STONE  
NORM ZAFMAN

C19-1

## Letter to Air Quality Assurance Board p3

The air in the Bay area is not clean enough for me to breathe and we need to clean it up. We messed it up and we need to do something about it. If we don't clean the air now it's just going to get worse.

We need to clean up the air in the Bay Area because it's, simply put, not clean - if we were meant to breathe smog and pollution we would have lungs that could do so.

This pollution causes disease and sickness, and it decreases the ozone layer, which protects our planet from ultra-violet rays.

We don't want our city to be like L.A. or N.Y.C. where your eyes and nose burn from the polluted air. We don't want our sky to be grey. If we don't clean up the air now this is what will happen.

We can't wait another 2 years because it is going to be harder, more expensive and maybe impossible. We must act now.

We can not let this problem go!



This letter was written by Josha Bronson  
and signed by:

1. Josha Bronson
2. ~~Jan H. [unclear]~~
3. ~~[unclear]~~
4. ~~Jan H. [unclear]~~
5. ~~Samuel J. Williams~~
6. Erica H.
7. Janya K
8. Becky F
9. Ginger F
10. Liz K
11. Lucy F
12. Jenny L
13. Jenny S
14. Kristin B
15. Katy B
16. Lily F
17. Wyatt F
18. Jimmy F
19. Bill F
20. Peter F
21. ~~Anna H.~~
22. ~~Anna H.~~
23. ~~Anna H.~~
24. ~~Anna H.~~
25. ~~Anna H.~~

**Response to Comment  
Letter C19**

**RESPONSE C19-1**

The District thanks Josha Bronson, Citizens for a Better Environment, and the signatories to the Bronson letter for their input. The goal of the CAP is to improve air quality to reduce adverse health impacts. In order to achieve emission reductions as quickly as possible, the CAP includes a rule adoption schedule that is considerably more ambitious than past District experience or ARB guidance.

**CALPIRG**926 J STREET, SUITE 713 SACRAMENTO CA 95814 TEL (916) 448-4516 FAX (916) 444-6611  
CALIFORNIA PUBLIC INTEREST RESEARCH GROUPSTATEMENT OF CALPIRG ON BAY AREA AIR QUALITY MANAGEMENT DISTRICT  
CLEAN AIR PLAN (7/24/91)

My name is Philip Rothschild, representing the California Public Interest Research Group (CALPIRG). CALPIRG is a statewide, nonprofit, nonpartisan research and advocacy organization working on environmental and consumer issues. CALPIRG has worked for clean air for many years on both the state and national level, most recently the 1990 federal Clean Air Act. Here in California, the efforts of many groups and individuals here tonight have resulted in the strongest clean air law in the world. The implementation of this law by the BAAQMD must be consistent with the environmental protection principles embodied in the California Clean Air Act.

C20-1

CALPIRG and its members urge the BAAQMD to adopt regulations ending the current exemption for stratospheric ozone-depleting chemicals as substitutions for smog precursors (see Draft EIR for Clean Air Plan at p. 4.1-39). The BAAQMD must prohibit these substitutes, such as TCA (1,1,1 trichloroethane, also known as methyl chloroform) and CFC-113 (chlorofluorocarbon 113), rather than facilitate their use by allowing industry to use them in place of smog-forming chemicals as metal degreasers, paint thinners, and circuit board cleaners.

While TCA and CFC-113 do not contribute directly to formation of ground-level ozone in smog, they do significant damage to the upper-atmosphere ozone layer which protects our planet from ultraviolet radiation. The protective ozone layer is already shrinking, and the EPA estimates that the phase-out of TCA alone would prevent 4 million cases of skin cancer, and 65,000 cancer deaths in the next century.

The BAAQMD should not allow a solution to one pollution problem to make worse another pollution problem. This narrow focus has been a long-standing institutional shortcoming in our state. Hopefully, with the creation of the California Environmental Protection Agency last week, a more long range and comprehensive view of pollution may be implemented, along with a substantive pollution prevention and toxics use reduction program. In the meantime, we must continue to move to **safe** substitutes when choosing alternatives for any specific pollution problem.

We urge the BAAQMD to not allow a smog solution to become an ozone layer problem. CALPIRG specifically asks the following: remove the exemption for TCA and CFC-113, add policy language to the Clean Air Plan prohibiting the use of upper-atmosphere ozone-destroying chemicals as substitutes for smog-forming chemicals, and develop a more comprehensive policy to phase-out emissions of ozone-destroying chemicals.

C20-P

C20-1



**Response to Comment  
Letter C20**

**RESPONSE C20-1**

As noted in Mitigation Measure 4.1-23, page 4.1-39, in adopting regulations to reduce VOCs in specialty coatings, the District would restrict the substitution to chemicals which are not ozone depleting, do not contribute to the greenhouse effect or which would not be toxic air contaminants.

**RESPONSE C20-P**

See Section 1.2 regarding comments on the CAP.



Coalition for Effluent Action Now  
in South Bay

ENDORSEMENTS:

Bay Area Audubon Chapters --  
Golden Gate  
Marina  
Marin  
Mount Diablo  
Napa-Solano  
Orion  
Santa Clara Valley  
Sequoia  
Bay Institute  
California Native Plant Society --  
Santa Clara Chapter  
California Natural Resources Federation  
California Waterfowl Association  
Citizens Committee to Complete the  
Refuge  
Citizens for a Better Environment  
Citizens for Alameda's Last Marshlands  
Citizens for Open Space in Alvarado  
Coalition of Parents and Taxpayers  
Committee for Green Foothills  
Defenders of Wildlife  
Fisherman's Wharf Association  
Friends of Charleston Slough  
Friends of Foster City  
Friends of Redwood City  
Greenpeace  
Mission Creek Conservancy  
Natural Resources Defense Council  
Northern California Council Federation  
of Fly Fishers  
Oceanic Society  
Pacific Coast Federation of Fisherman's  
Associations  
Peninsula Conservation Center Foundation  
Planning and Conservation League  
San Francisco Boardsailing Association  
Santa Clara County Greenbelt Coalition  
Save Our South Bay Wetlands  
Save San Francisco Bay Association  
Save Wetlands in Haywards  
Sierra Club --  
Bay Chapter  
Loon Prieta Chapter  
Silicon Valley Toxics Coalition  
South Bay Wetlands Coalition  
Sportsmen for Equal Access  
Standard Fisheries Company  
Tri-City Ecology Center  
United Anglers

LETTER C21

July 23, 1991

Chairperson Paul Cooper  
Members of the Board  
Bay Area Air Quality Management  
District  
939 Ellis Street  
San Francisco, CA 94109

Re: DRAFT CLEAN AIR PLAN AND EIR

Dear Chairperson Cooper and Board Members:

Please consider the enclosed comments offered  
on behalf of the Coalition for Effluent Action Now in  
the South Bay (CLEAN South Bay).

CLEAN South Bay includes more than forty  
organizations representing diverse environmental,  
fishing, sporting, and business interests, joined  
together to promote the restoration and protection of  
South San Francisco Bay and the National Wildlife  
Refuge in this unique and crucial part of our premiere  
national estuary.

CLEAN South Bay urges you to further prevent  
air pollution that, through poison runoff, severely  
impacts San Francisco Bay.

Any questions and comments on the enclosed  
analysis should be directed to myself at (415) 243-8373.

Sincerely,

Greg Karras, Director  
Clean Bays and Coastal Waters Program  
Citizens for a Better Environment

enc. Comments and six exhibits.

COMMENTS ON BEHALF OF THE  
COALITION FOR EFFLUENT ACTION NOW IN THE SOUTH BAY  
(CLEAN SOUTH BAY)

BEFORE THE  
BAY AREA AIR QUALITY MANAGEMENT DISTRICT  
IN THE SAN FRANCISCO BAY AREA, CALIFORNIA

REGARDING THE  
1991 CLEAN AIR PLAN AND  
ENVIRONMENTAL IMPACT REPORT

July 23, 1991

by Greg Karras, Director  
Clean Bays and Coastal Waters Program  
Citizens for a Better Environment

## INTRODUCTION

South San Francisco Bay, and the bay estuary system as a whole, is suffering drastic declines in fisheries and other natural resources due to the combined and inter-connected impacts of pollution, wetland habitat loss, and destruction of natural estuarine circulation patterns by river water diversions.

CLEAN South Bay's comments address the important effects the Clean Air Plan and Draft Environmental Impact Report ("Plan" and "DEIR") will have, for better or worse, on these critically threatened environmental resources in the San Francisco Bay-Delta Estuary.



## FINDINGS

C21-1

Accelerated vehicle use reductions and public transit increases, beyond those now proposed in the Clean Air Plan or examined in the DEIR, are needed to prevent pollution of San Francisco Bay caused by poison runoff from air pollution sources. The additional measures needed to protect water as well as air quality are feasible and reasonable in light of new information:

1. Polluting chemicals from the transportation system, in addition to causing air pollution, are the largest source of several Clean Water Act "toxic pollutants" in urban storm water runoff that violates Clean Water Act water quality standards for toxics in South San Francisco Bay. Certain stationary air polluters also contribute significant amounts of pollutants to this poison runoff. This information was not included in the staff analysis. See Exhibits 1, 2, and 3.<sup>1</sup>
2. In addition to localized "hot spots" caused by stationary sources or land uses, about ninety-percent of increased runoff pollution from highways is associated with increased vehicle use. The total number of pounds of these pollutants in runoff (the mass load) is increased by road, highway, and parking surfaces that generate a larger volume of urban runoff. This information was not included in the staff analysis. See Exhibits 3 and 4.
3. If air emissions contributing to Bay water quality violations are not quickly reduced at the source (by reduced vehicle use, for example), less effective and more costly storm drain "treatment" will be the only remaining alternative to mitigate the impact of these toxics violations in San Francisco Bay. This information was not included in the staff analysis. See Exhibits 5 and 6.
4. In light of this opportunity for municipalities to avoid high costs in the "hundreds of millions of dollars" for end-of-pipe treatment to mitigate Bay impacts, additional reductions in vehicle use and increases in transit are both reasonable and economically and politically feasible. This opportunity was not analyzed by the DEIR.

## RECOMMENDATION

The Clean Air Plan and DEIR should consider additional feasible, reasonable alternatives including accelerated vehicle use reductions, accelerated provision of public transit, and further indirect and stationary source controls. These alternatives were wrongly excluded because the draft Plan and DEIR failed to adequately consider their benefits to the Bay, and the costs of mitigation if they are not implemented. We urge the District to achieve these important additional benefits.

---

1 The following Exhibits are attached and hereby incorporated into these comments and into the record of these proceedings:

Exhibit 1. State Water Resources Control Board Order WQ 90-5. The excerpted pages indicate that storm drain discharges of poison runoff (which this document somewhat incorrectly terms "nonpoint" sources) were found to contribute to serious toxic pollution of San Francisco Bay that violates water quality standards and requires clean up.

Exhibit 2. 1989 California Water Quality Assessment. The Excerpted pages indicate that South San Francisco Bay is designated as a priority toxic hot spot where sewage plant and storm drain discharges of toxic metals and organic pollutants must be reduced under Section 304(l) of the federal Water Pollution Control Act (Clean Water Act).

Exhibit 3. July 1991 analysis of federal, state, regional, and local data in Santa Clara County and South San Francisco Bay. This analysis tracks four pollutants causing water quality violations in poison runoff from the Bay to the storm drains to residential streets and other paved surfaces in urban areas, and finally to vehicle or gasoline use. This analysis indicates that most of the cadmium, lead, and zinc releases in runoff violating federal standards for the Bay are caused by the same mobile sources that cause much of the air quality violations in this same area.

Exhibit 4. Traffic and Pollutants Data in the Federal Highway Administration Investigation "Pollutant Loadings and Impacts From Highway Stormwater Runoff." This analysis summarizes relevant conclusions of a federal report on measurements from two-dozen highway sites nationwide. It also exhibits and explains regression analyses of the data in this report to better illustrate the association of runoff pollution and vehicle use.

Exhibit 5. Section 304(l) of the Clean Water Act. This excerpt shows that federal law requires reducing substantial discharges of toxics into water bodies violating toxics standards within less than three years, in order to achieve water quality standards in three years. Poison runoff discharges are a substantial cause of toxics violations in South San Francisco Bay and must be so reduced.

Exhibit 6. Statement of the California Stormwater Quality Task Force before the Subcommittee on Water Resources, Committee on Public Works and Transportation, United States House of Representatives, April 25, 1991. This excerpt shows that municipalities estimate that end-of-pipe treatment of storm drains, if implemented, would cost each mid-sized and large municipality hundreds of millions of dollars.

STATE WATER RESOURCES CONTROL BOARD

EXHIBIT 1

PAUL R. BONDERSOHN BUILDING  
301 P STREET  
P.O. BOX 100  
SACRAMENTO, CALIFORNIA 95812-0100



(916) 322-0200

October 18, 1990

Mr. Alan Ramo  
Citizens for a Better Environment  
501 Second Street, Suite 305  
San Francisco, CA 94107

Ms. Mollie J. Dent  
Office of the City Attorney  
City of San Jose  
151 West Mission Street  
San Jose, CA 95110

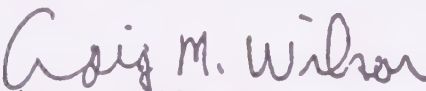
Ms. Gail C. Kobetich, Field Supervisor  
Sacramento Endangered Species Office  
U. S. Department of the Interior  
Fish and Wildlife Service  
2800 Cottage Way, Room E-1823  
Sacramento, CA 95825-1846

Dear Ladies and Gentleman:

IN THE MATTER OF THE PETITIONS OF CITIZENS FOR A BETTER ENVIRONMENT (CBE), ET AL., UNITED STATES FISH AND WILDLIFE SERVICE (USFWS), AND CITY OF SAN JOSE FOR REVIEW OF ACTION AND INACTION OF THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, SAN FRANCISCO BAY REGION. OUR FILE NOS. A-580, A-606, AND A-606(A).

Enclosed is a copy of Order No. WQ 90-5 which was adopted by the State Water Resources Control Board at its regular business meeting on Thursday, October 4, 1990.

Sincerely,

  
Craig M. Wilson  
Assistant Chief Counsel

Enclosure

cc: Interested Parties



Alto Plants exceeded the Table IV-1 limits every sampling year. Effluent from the Sunnyvale Plant exceeded the limit in four of the seven years.

X

In sum, the record indicates that, in the area surrounding the Palo Alto outfall, elevated levels of copper, silver and zinc have impacted the local clam population. In addition, ambient concentrations of copper and nickel in the South Bay generally exceed EPA criteria for the protection of aquatic life, and concentrations of lead, silver, mercury, and cadmium intermittently exceed EPA criteria. Selenium and mercury have bioaccumulated in waterfowl to levels that threaten human health and warrant concern for wildlife. Levels of cadmium and selenium in shellfish warrant concern for the protection of human health. Therefore, we conclude that copper, cadmium, nickel, lead, silver, mercury, zinc, and selenium are found in the South Bay at levels that adversely affect or threaten to affect the attainment of designated beneficial uses. Based upon the annual mass loadings and exceedances of Table IV-1 effluent limits, we also conclude that the three South Bay treatment plants contribute significantly to impaired water quality conditions in the South Bay.

d. Beneficial Uses

For the reasons previously stated, the Board concludes that the discharge of effluent from the South Bay plants is a contributing factor in the outbreak of avian botulism in the bay, adversely impacting the beneficial uses of wildlife and estuarine

\* { habitat. In addition, we conclude that the discharge of heavy metals has adversely affected or threatens to affect these beneficial uses. In particular, the Board has found evidence of frequent exceedances of EPA criteria for the protection of aquatic life in the receiving waters of the South Bay, together with exceedances of the Table IV-1 effluent limits by the South Bay dischargers. The evidence also indicates a tie between discharges from the Palo Alto Plant and the bioaccumulation of copper, silver, and zinc in clams off Palo Alto.

In addition, the Board concurs in the Regional Board's finding that the discharge from the San Jose/Santa Clara Plant has had a major negative impact on the beneficial use of preservation of rare and endangered species through the conversion of salt marsh habitat. This is discussed in more detail in Part II.C, *infra*, of this Order.

## 2. Conclusion

Based upon our review of the evidence in the record, the State Board finds that the South Bay dischargers have failed to demonstrate that they should be granted an exception from the Basin Plan prohibition against discharges to the South Bay on the basis of net environmental benefit. Specifically, the Board concludes that the impacts of nutrient loading remain unresolved, that avian botulism negatively impacts wildlife and estuarine habitat, and that the discharge of heavy metals contributes or threatens to contribute to impairment of these beneficial uses. In addition, the discharge from the San Jose/Santa Clara Plant

runoff. The Regional Board determined that neither the Authority's nor CBE et al.'s estimates were conclusive and that, in addition, the issue of bioavailability of metals from the two sources was unresolved. We concur with the Regional Board. See generally Staff Report, pp. IV-34 through IV-36. More data are needed to estimate loadings from urban runoff and their impact on biota. To address these issues, the Regional Board has required the evaluation of nonpoint source pollution south of Dumbarton Bridge by Santa Clara County. In response, the county has now completed a draft report, entitled "Santa Clara Valley Nonpoint Source Study".

The draft report estimates that, on an average basis, the South Bay discharges account for roughly 40 percent of the total loading of copper, lead, nickel and zinc, and 20 percent of the total loading of chromium. The remaining loadings come from nonpoint sources. CBE et al. have criticized the draft report on the grounds that pollutant concentrations measured in a dry year were used to estimate loads in normal and wet years. CBE et al.'s criticism is valid. At a minimum, the report should estimate and report the error involved in making the assumption that pollutant concentrations vary little over wide ranges of flow conditions. Nevertheless, the report is important because it indicates that both point and nonpoint discharges are important sources of metals to the South Bay, and neither can be ignored.



## STATE WATER RESOURCES CONTROL BOARD

PAUL R. BONDERSON BUILDING  
901 P STREET  
P.O. BOX 100  
SACRAMENTO, CALIFORNIA 95801



(916) 445-3085

FEB 03 1989

Mr. Harry Seraydarian  
Water Management Division  
U.S. Environmental Protection Agency,  
Region 9  
215 Fremont Street  
San Francisco, CA 94105

Dear Mr. Seraydarian:

TRANSMITTAL OF CALIFORNIA'S LISTS OF IMPAIRED WATERS AS REQUIRED UNDER  
SECTIONS 304(L)(1)(A), (B), (C), AND (D) OF THE CLEAN WATER ACT AS AMENDED IN  
1987

On February 1, 1989, the State Water Resources Control Board (State Board) adopted the enclosed Section 304(1) lists of impaired waterbodies as part of the Water Quality Assessment of the Clean Water Strategy. Pursuant to the requirements of Section 304(1) of the Clean Water Act (CWA) as amended in 1987, the State Board hereby transmits the 304(1)(1)(A)(ii) "Long List", the 304(1)(1)(A)(i) "Mini List", and the 304(1)(1)(B) "Short List" of waters for California. For waterbodies on the 304(1)(1)(B) "Short List", a list of pollutants, point sources, and loadings has been developed pursuant to Section 304(1)(1)(C) of the CWA.

Public participation was sought during the development of the 304(1) lists. Adoption followed an initial public notice on September 28, 1988 and two public hearings held on November 16, 1988 and January 19, 1989. A Public Notice package and a response-to-public-comments document are included in Enclosure 1. The Public Notice included a description of the 304(1) process and the rationale used in development of the lists. The lists of impaired waters and criteria and rationale utilized in the listing process are contained in Enclosure 2.

The criteria utilized in developing the Short List is consistent with the definition of "point source" in Section 502 of the CWA and the draft 40 CFR Part 400, Section 401.11. "Applicable standard" has been interpreted to include both numeric and narrative Water Quality Objectives for 307(a) toxic pollutants.

The status of development of Individual Control Strategies (ICS) for facilities discharging substantial loadings of 307(a) toxic pollutants into waterbodies on the Short List required pursuant to Section 304(1)(1)(D) are contained in Enclosure 3. ICSs for the four mines in our Central Valley Region have been completed and are currently being implemented. The ICSs for South San Francisco Bay are still in the process of being developed and will be transmitted once they have been completed. These ICSs may include the development of site-specific objectives. The development of ICSs for point sources discharging into the New River and Tijuana River are the Federal Government's responsibility because the discharges occur in Mexico where California has no jurisdiction or authority for international diplomacy.

If there are any questions, please telephone Jesse Diaz at (916) 445-9552, or John Norton, Chief, Monitoring and Assessment Unit, Division of Water Quality, at (916) 322-0214.

Sincerely,

Original Signed By:  
James W. Baetge

James W. Baetge  
Executive Director

Enclosures (3)

C. Short List

304(L) SHORT LIST

WQI	TI	C O D E	RESOURCE	GWB_NO	CLASS	BENEFICIAL USES																WATER QUALITY CLASSIFICATION				SIZE TOTAL	HYDRO UNIT #	LISIS										CHNG DATE	CHNG CODE
						H U N D R O C H M W L N M D L R N R E D I 2 L N V	A I R O P H R A O I M P I A I E E S G N O M O E S R L O A W G R L C C A M A	P C S F W C B S M R W R R	R A O I M P I A I E E S G N	A B C U	1 3 3 3 3 3 3	3 3 3 3 3 3	3 3 3 3 3 3	1 0 0 0 0 1 1	.3 4 4 4 4 9	1 0 M E L																							

.	.	E	SF BAY SOUTH	.	WOL	.	.	X	.	X	.	X	.	.	.	.	X	O	X	X	X	X	.	.	X	0	0	24500	0	24500	205.10	X	X	.	X	X	.	X	12/88	13
.	.	A	WEST SQUAW CREEK	.	WOL	X	X	.	.	X	.	.	X	X	.	X	.	.	X	X	X	.	.	.	9	0	1	0	10	505.10	X	X	.	X	X	.	X	12/88	13	
.	.	A	LITTLE BACKBONE C	.	WOL	X	X	.	.	X	.	.	X	X	.	X	.	.	X	X	X	.	.	.	10	0	1	0	11	506.20	X	X	.	X	X	.	X	12/88	13	
.	.	A	LITTLE GRIZZLY CR	.	WOL	X	.	.	.	X	.	.	X	.	.	X	.	.	X	X	X	.	.	.	0	0	10	0	10	518.54	X	X	.	X	X	.	X	12/88	13	
.	.	A	SPRING CREEK	.	WOL	X	X	X	.	X	.	.	X	X	.	X	X	.	X	X	X	.	.	.	0	0	5	0	5	524.40	X	X	.	X	X	.	X	12/88	13	
29	.	A	NEW RIVER	.	PI WOL	.	.	O	.	.	.	.	X	X	.	.	.	.	.	X	.	X	.	.		0	0	60	0	60	723.10	X	X	.	X	X	.	X	12/88	13
33	.	A	TIJUANA RIVER & EST	.	PI WOL	.	.	O	.	X	.	X	.	.	.	X	.	.	X	X	X	X	.	.		0	0	7	0	7	911.11	X	X	.	X	X	.	X	12/88	13



# D. "C" List

TABLE II-Section 304(L)(1)(c)  
LIST OF POLLUTANTS, POINT SOURCES AND LOADINGS  
FOR WATERBODIES ON THE 304(L) SHORT LIST

Waterbody	Pt Source Loadings <sup>1</sup>	Ag	Ni	Pb	Hg	Cu	Cd	Zn	Se	Organics	Data Source
Region #2											
South SF Bay	S. Jose/S. Clara POTW	288.35	4084.35	2193.65	0.00	2157.15	328.50		•	•	Self discharge monitoring reports ANI(1987). DHS health warning for Selenium in diving ducks.
	Sunnyvale POTW	91.25	1178.95	379.60	8.40	1065.80	149.65		•	•	
	Palo Alto POTW	215.35	1372.40	613.20	12.41	1146.10	109.50		•	•	
	POTW Totals	594.95	6635.70	3186.45	20.81	4369.05	587.65		•	•	
	Stormdrains	•	•	•	•	•	•		•	•	
Region #3											
Spring Creek	Iron Mtn Mine					154395.00	3650.00	535090.00			Mining Waste Study, 1988 UC Berkeley
West Squaw Creek	Balakiata					31110.07	50833.55	247.41			Mining Waste Study, 1988 UC Berkeley
Little Backbone Creek	Mammoth Mine					4376.09	•	310.38			Mining Waste Study, 1988 UC Berkeley
Little Grizzly Creek	Walker Mine					7405.35	•	11108.03			Mining Waste Study, 1988 UC Berkeley
Region #7											
New River <sup>3</sup>	Stormdrains	•	•	•	•	•	•	•		•	
Region #9											
Tijuana River <sup>3</sup>	Stormdrains	•	•	•	•	•	•	•		•	

-16-

<sup>1</sup> Pt Source Loadings in Kg/Yr.

<sup>2</sup> No Data Available.

<sup>3</sup> Pt. source Loadings for Mexico.

PETROLEUM TRANSPORTATION AND POISON RUNOFF:  
GASOLINE, ASPHALT, AND OTHER PETROLEUM  
CAUSES OF TOXIC STORM DRAIN POLLUTION  
IN SOUTH SAN FRANCISCO BAY

July 1991  
Greg Karras  
Citizens for a Better Environment  
San Francisco, CA

ABSTRACT

Mass loads of toxic metals in Santa Clara County streams entering the extreme southern reach of San Francisco Bay matched estimates of loads in urban runoff polluting these streams. Most of the cadmium, lead, and zinc found in these urban storm drains could be accounted for by four factors: motor fuel combustion released metals; wear of tires and other auto parts released metals; metals were deposited on nearby pavement and roofs; and these non-porous surfaces caused rain to scour metals into storm drains. Other factors could not by themselves explain metals movement in the runoff pathways of this drainage area.

## INTRODUCTION

Manufacturing and use of manufactured products cause severe toxic metals pollution in South San Francisco Bay and its tributary streams. Two major pollution pathways each contribute substantial portions of the total amount of cadmium, copper, lead, zinc, and other toxic metals entering this ecosystem: releases through sanitary sewers that serve industrial "Silicon Valley" and more than a million residents of urbanized Santa Clara County, California; and releases through separate storm drains that serve this same community.<sup>1</sup> However, the specific activities polluting storm drains may differ from those polluting sanitary sewers.

Waste water releases from more than four hundred Santa Clara County industrial firms cause a large portion of the sanitary sewer releases of most metals that are toxic in the South Bay. Most of the remaining metals pollution moving through these sanitary sewers may be explained by 2,800 unregulated and unmonitored manufacturing firms, routine releases of silver from photography and zinc anti-corrosives, sporadic releases of copper sulfate biocides, and the like.<sup>2</sup>

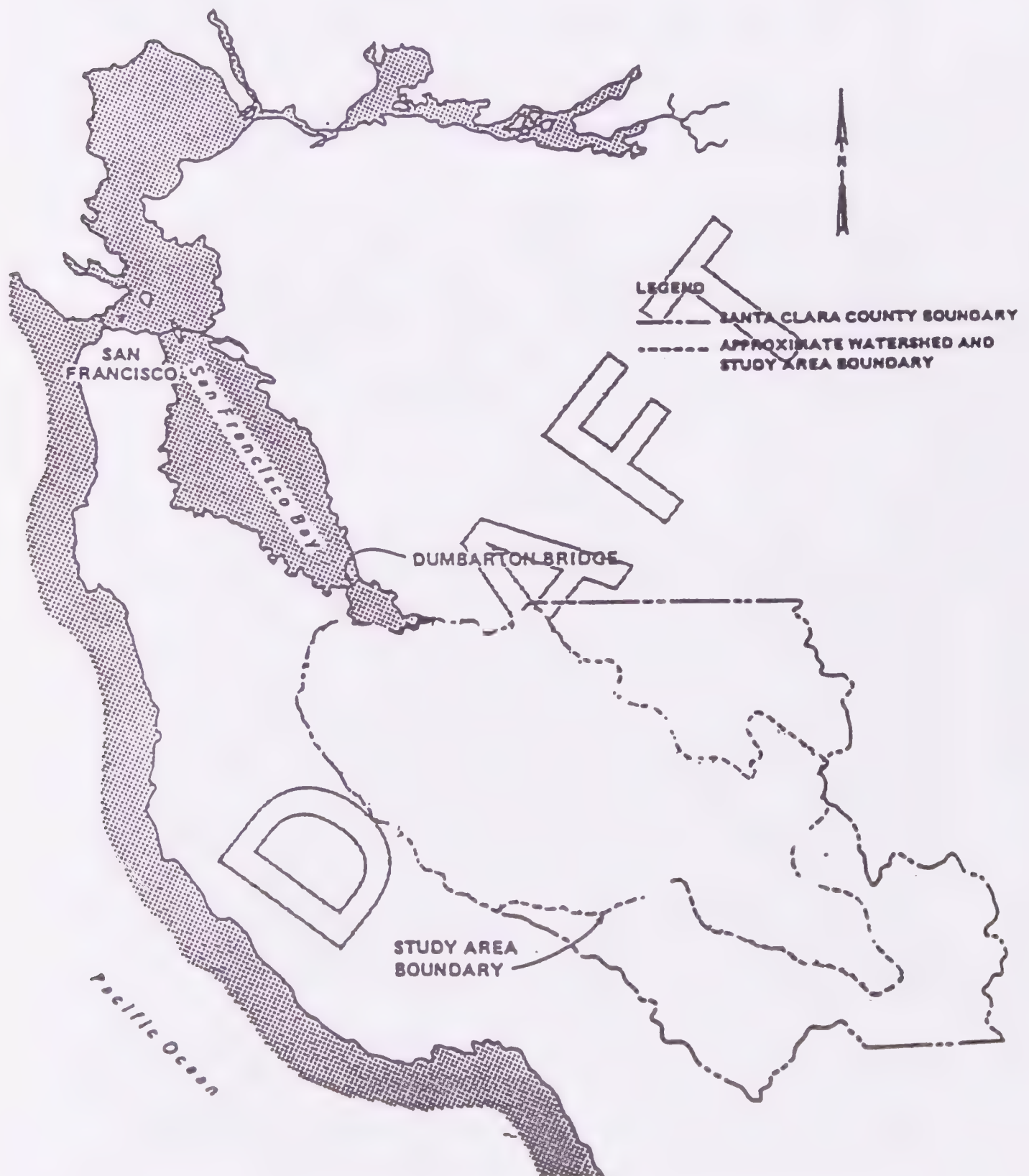
In contrast, this analysis uncovers evidence that, for at least some metals, the largest toxic polluters of storm drain runoff may be the oil and automobile industry products that the community is now dependent upon for transportation.

## METHODS AND LIMITATIONS

Citizens for a Better Environment (CBE) compiled existing scientific data from many different sources to identify the most important causes of toxic pollution of runoff entering Santa Clara County streams and South San Francisco Bay. A rough map showing this drainage area, locations where local data were collected, and this estuarine embayment of San Francisco Bay is included in Figure 1. These data were used to track pollutants upstream to the specific land uses, structures, physical processes, products, and activities that cause runoff pollution. Methods used to compare metals movement through specific stages of the runoff pathway are described where these comparisons are presented. Where estimates of pollutant amounts, water amounts, area, fuel use, and the like are taken from other studies, the reader is referred to the data and estimation methods that are described in the original studies.



FIGURE 1. THE CATCHMENT CONTRIBUTING RUNOFF FROM SANTA CLARA COUNTY, CALIFORNIA, INTO SAN FRANCISCO BAY.



This analysis was limited to cadmium, copper, lead, and zinc because more data were available for these metals than for other pollutants that are toxic in the Bay. Even for these metals, virtually every parameter investigated could be quantified more accurately if better data are produced in the future. Data were particularly poor for quantifying metals released by corrosion or wear of tires, auto parts, asphalt, paints, gutters, drains, and roofing, and far-field atmospheric deposition. These and other factors may release important quantities of runoff pollutants. Metals quantities in gasoline were surprisingly difficult to uncover.

Quantitative comparisons of data from different studies were limited by the use of different methods of sampling and chemical analysis, and by slight differences in the timing of these different studies. This analysis was therefore limited to tracking those factors that mobilize very large amounts of metals. The environmental fate of the large amounts of metals these factors put into each stage in the runoff pollution pathway could not be adequately explained unless large amounts of these metals entered Bay runoff.

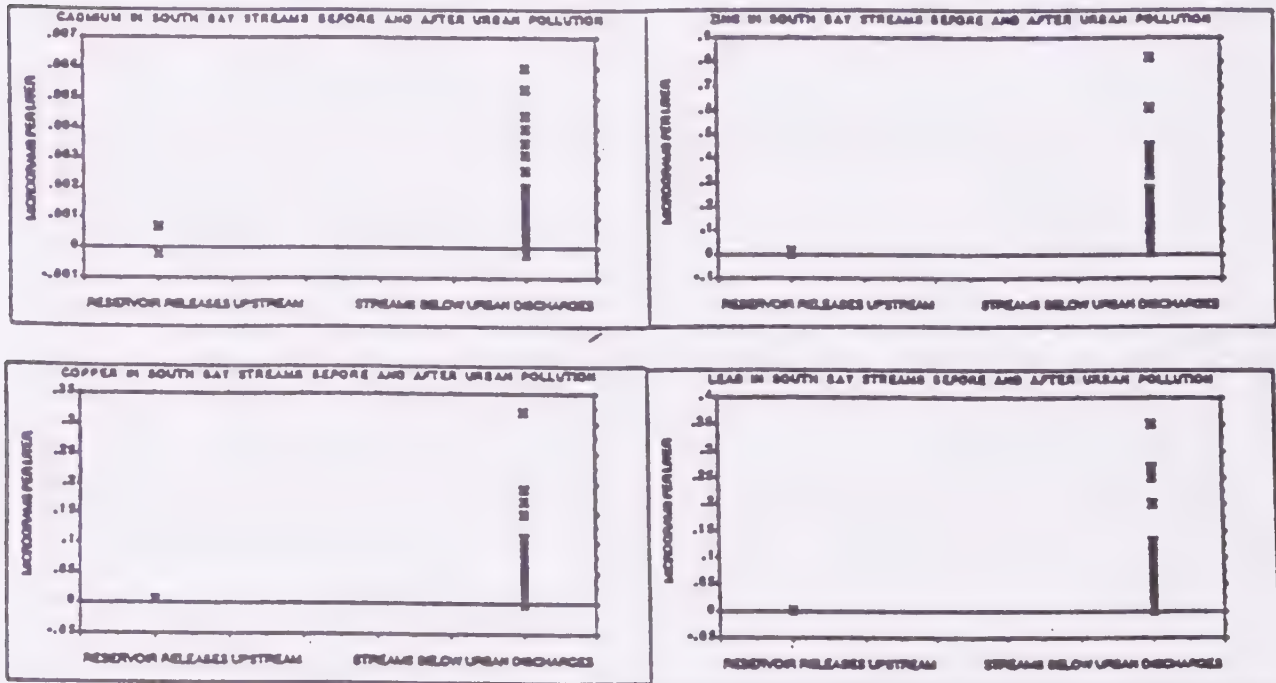
## FINDINGS

*1. Metals in runoff entering South San Francisco Bay were released into Santa Clara County streams mainly by urban storm drain discharges.* Metals quantities and runoff volume were measured in these streams and in urban storm drains entering these streams at locations shown in Figure 1. Pollutant concentrations in upstream and downstream waters are compared in Figure 2 below. Compared to upstream waters fed by open lands through reservoir releases, cadmium, copper, lead, and zinc concentrations were fivefold to tenfold (or more) greater in stream waters downstream from urban runoff inputs. In terms of mass, storm runoff from urban and industrial areas contributed 98% of the cadmium, 89-98% of the copper, 97-99% of the lead, and 95-99% of the zinc that was estimated from storm runoff, dry season runoff, and reservoir releases combined. These mass loading estimates based on storm drain measurements compared well with those based on measurements immediately upstream from the zones of tidal mixing with Bay waters.<sup>3</sup> Urban storms put these metals into runoff.

*2. Most metals in urban storm runoff from Santa Clara County came from residential and commercial areas.* Industrial runoff was significant but could not explain total urban runoff loads. In fact, most of the metals estimated to be in urban runoff from Santa Clara County storms are from estimates for residential/commercial areas.<sup>4</sup>

Comparing specific areas in the County that were directly measured,<sup>5</sup> CBE found that three residential/commercial areas released about four times more cadmium, copper, lead, and zinc than two industrial areas, or about 80% of these metals in storm runoff from these five areas.

FIGURE 2



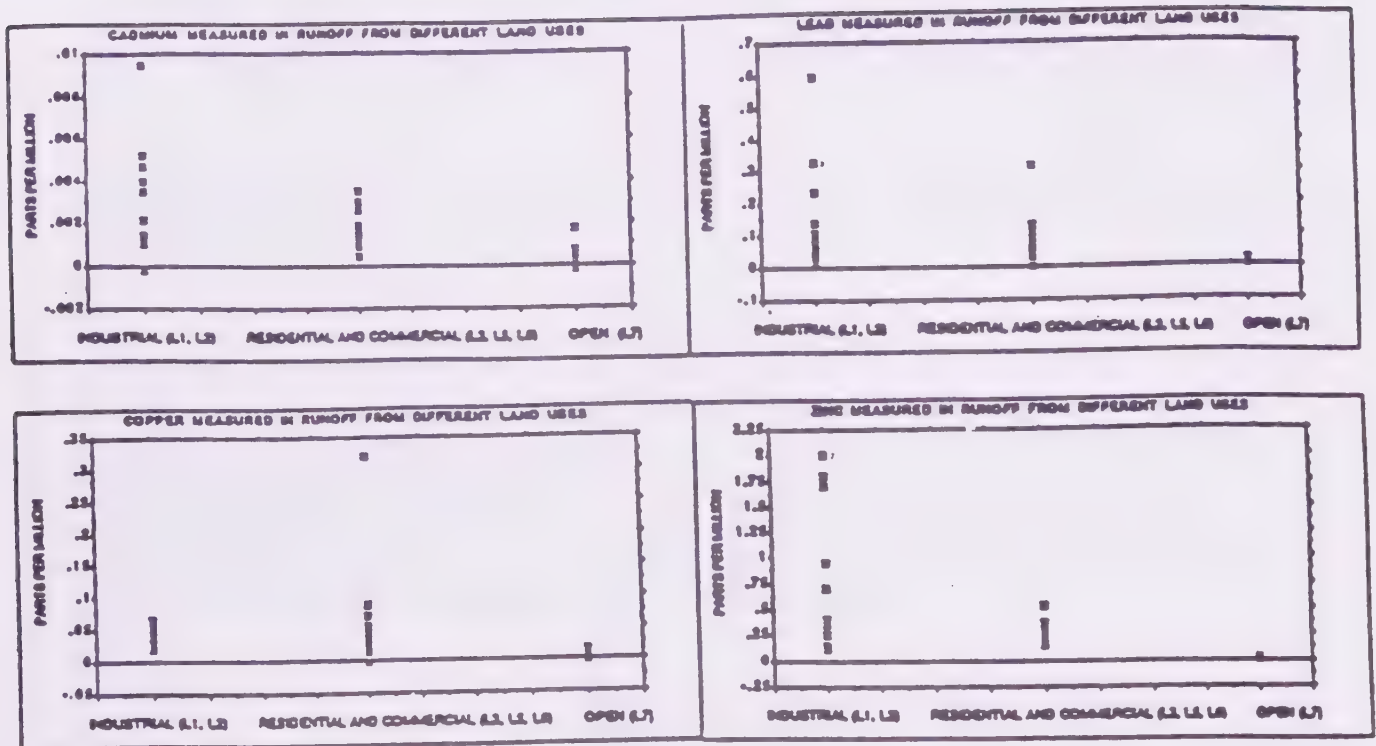
SOURCE: Data from Woodward-Clyde, 1989. See note 3.

One reason for these larger metals mass loads was the larger *volume* of storm runoff that carried metals from residential and commercial areas. All the urban sites measured caused drastic increases in the fraction of rain that became runoff, when compared with open land. However, Figure 3 shows that the Santa Clara County residential/commercial sites measured (L3, L5, and L6) drained much larger areas than the industrial sites (L1 and L2). The fact that residential land area was greater among the measured sites is roughly consistent with estimates showing twenty times more residential and commercial land than industrial land in Santa Clara County,<sup>6</sup> and about five times more residential and commercial land in a typical U.S. city.<sup>7</sup> For the sites measured, turning more rain into runoff over a larger residential/commercial area causes more total runoff.

The other reason for relatively larger mass loads was larger pollutant *concentrations* in urban runoff. Pollutant concentrations were distinctly different between industrial, residential/commercial,



FIGURE 4



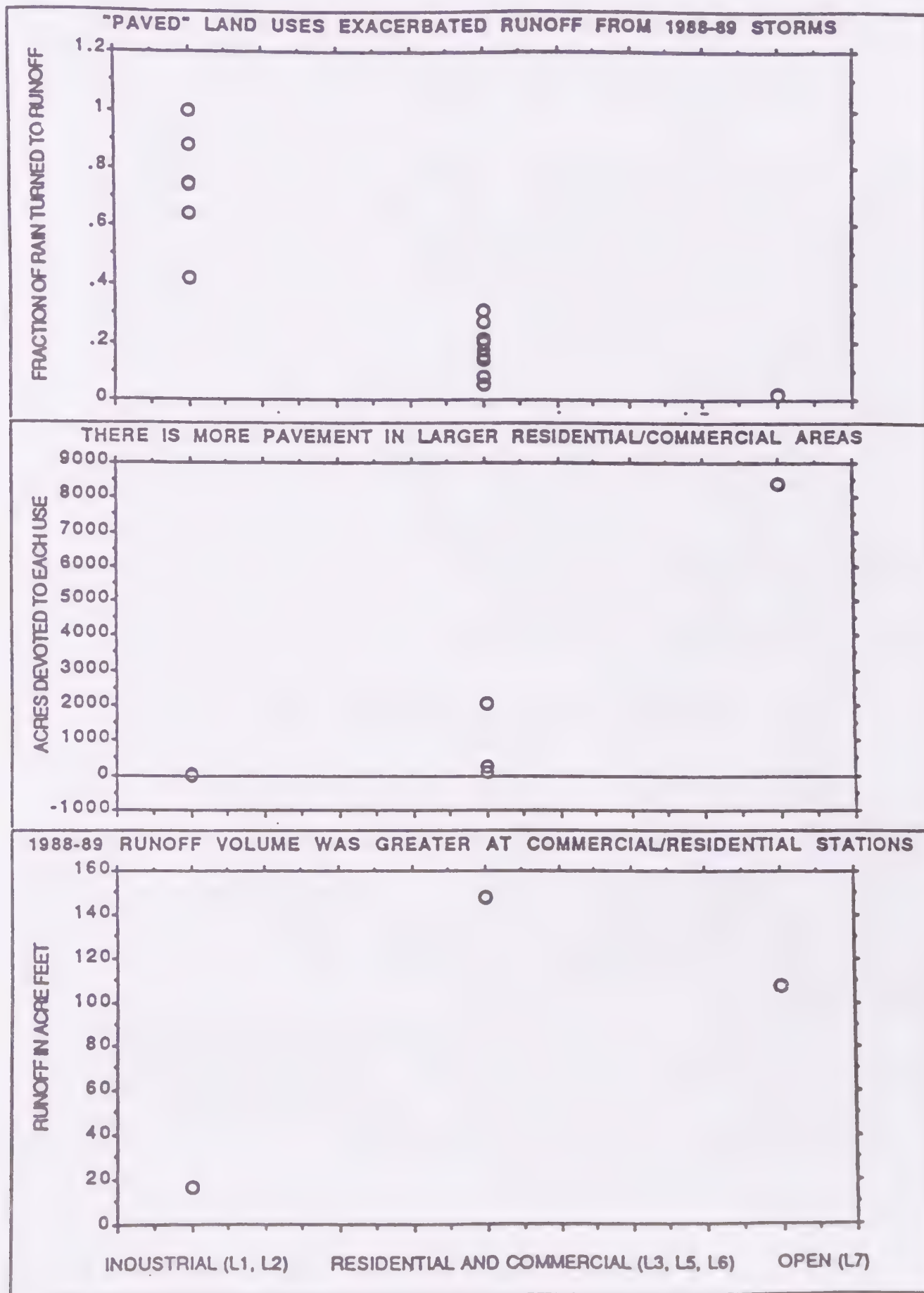
SOURCE: Data from Woodward-Clyde, 1989. See note 3.

and open land sites.<sup>8</sup> Individual storm runoff concentration measurements from these sites are plotted in Figure 4. Concentrations of total cadmium, copper, lead, and zinc were usually largest in industrial runoff, sometimes largest in residential/commercial runoff, and always much smaller in runoff from open land.

3. *Most metals movement into urban, and especially residential runoff was caused by paved street and parking surfaces that accumulated large amounts of runoff and metals.* Pavement and roofs created the greater urban runoff volume shown in Figure 3 when rainfall was prevented from entering soil, plant roots, and ground water.<sup>9</sup> Paved road and parking surfaces were especially important in residential areas, where roof drainage may penetrate the soils of landscaped land unless it is carried to storm drains by streets or other impervious surfaces.<sup>10</sup> An estimated 5,000 miles of roadway in the County,<sup>11</sup> most of it in residential and commercial areas, accumulates runoff that then rushes into storm drains.

These paved surfaces also accumulated metals in street dirt.<sup>12</sup> The total buildup of street metals was so large that airborne road dust contained up to ten times more cadmium, copper, lead, and zinc than

# INCREASED RUNOFF VOLUME IS ASSOCIATED WITH TRANSPORTATION ACTIVITIES



runoff, according to 1989 estimates for the County.<sup>13</sup> Streets and connected roofs in the County caught metals that were moved around urban surfaces by wind and automobile turbulence,<sup>14</sup> then caught rain that scoured these street metals into storm drains more readily than metals deposited on other surfaces.<sup>15</sup> This caused most of the runoff and metals contamination shown in Figures 3 and 4.

*4. Automobile emissions to streets can explain the cadmium, lead, and zinc measured in urban, and especially residential, runoff from Santa Clara County in 1988-1989.* Metals contamination of urban streets and runoff is generally associated with increased traffic and decreased air quality.<sup>16</sup> Cadmium and zinc were measured in engine emissions and tire wear, and copper and lead were measured in tailpipe emissions.<sup>17</sup> California Air Resources Board estimates suggest automobile emissions may be the largest cause of cadmium, lead, and zinc pollution in Santa Clara County runoff,<sup>18</sup> as shown in Table 1.

The estimated auto emissions of cadmium, lead, and zinc in Table 1 were greater than dry year runoff estimates and smaller than wet year runoff estimates. Further, wet year estimates for these metals were comparable with estimates of metals in road dust. For cadmium, lead, and zinc, auto emissions accumulated in road dust in dry weather and polluted Santa Clara County runoff in wet weather and wet years.

TABLE 1. ESTIMATED LBS/YR OF METALS IN THE TRANSPORTATION-TO-POISON RUNOFF PATHWAY IN SANTA CLARA COUNTY, CALIFORNIA.

METAL	AUTOMOBILE	ENTRAINED	RANGE FOUND IN RUNOFF	
	EMISSIONS a	ROAD DUST a	DRY YEAR b	WET YEAR b
Cadmium	190	2,700	100	1,000
Copper	320	21,700	2,000	40,000
Lead	20,300	27,700	3,000	36,000
Zinc	108,000	127,000	10,000	124,000

a. California Air Resources Board, 1990. Toxics Emission Inventory for Mobile, Area, and Natural Sources [in] 1989. Area estimates adapted by CBE to the County on a per capita basis (eg., one-fourth the Bay Area emissions estimates because one-fourth the Area's 6 million people live in the County).

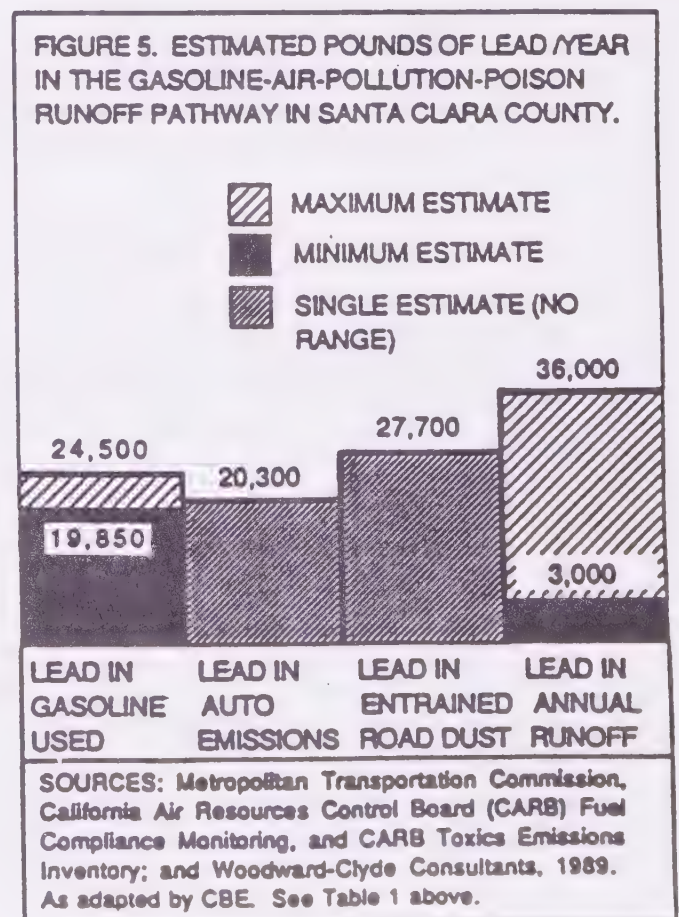
b. Woodward-Clyde, 1989. Santa Clara Valley Nonpoint Source Study. Volume I: Loads Assessment Report (including appendices). Woodward-Clyde Consultants, Oakland, CA. Page 8-21. From 95% to 99% of these estimates are attributed to urban runoff. Page 8-18. Note that wet year estimates are not based on wet year measurements of local pollutant concentrations, and may be overestimates.



The lead data from Table 1 were compared with lead in gasoline based on average 1989 measurements of 80 milligrams/gallon in "leaded gas" and 4 mg. per gallon in "unleaded."<sup>19</sup> An estimated twenty percent of gasoline use is leaded gas,<sup>20</sup> and the average Californian uses 314 to 387 gallons each year.<sup>21</sup> CBE estimated maximum annual lead released by gasoline in the County by assuming maximum fuel usage (580 million gallons). CBE's minimum estimate assumed minimum fuel usage (470 million gallons). The California Air Resources Board emissions estimate falls within the range of estimated lead mobilization through gasoline use, but even the minimum lead estimate in gasoline accounts for most of the lead emissions from automobiles.

Figure 5 shows that, even considering the residual uncertainty of the available data, gasoline use in transportation can be shown to cause substantial runoff pollution through auto emissions that build up on urban streets in dry weather to be scoured into streams and San Francisco Bay in storms.

For copper, however, the auto emissions estimate in Table 1 was one-seventh the dry year runoff estimate, and road dust contained only half the copper estimated to be in wet year runoff. If these estimates are accurate, there was another important cause of copper pollution in runoff during the 1988-1989 water year. Industrial spills, metal corrosion, asphalt wear, chemical additions to paints and pesticides, and other activities may release important amounts of many metals into runoff.<sup>22</sup> However, based on present estimates, it appears exceedingly unlikely that these other activities could cause more cadmium, lead, and zinc to enter runoff than auto emissions.



## CONCLUSIONS AND IMPLICATIONS FOR FUTURE WORK

Toxic metals in Santa Clara County streams flowing into South San Francisco Bay matched estimates of metals loads in urban runoff polluting these streams. This urban runoff pollution could not be explained by releases from stationary industrial firms alone. The majority of cadmium, lead, and zinc found in these urban storm drains could be accounted for by four factors:

- o combustion of gasoline and diesel released metals in these fuels, largely through automobile tailpipe emissions;
- o automobile use released metals through wear of tires and other auto parts and asphalt, and leakage of oils and other fluids;
- o a large proportion of these metals emissions were caught by large road, parking, and roof areas that store wind-blown metals between storms; and
- o streets paved with asphalt and other non-porous surfaces stopped rain from entering plant roots and groundwater, and instead caused rain to scour metals deposited on streets, parking lots, and roofs connected to streets by storm drains, into storm drains.

No other factors could fully explain where metals emitted from cars and deposited on streets went when it rained, and why so much of these same metals were found in storm runoff from otherwise residential areas. Large quantities of copper were also found on streets and in residential storm runoff, but were not explained by automobile emissions estimates.

Petroleum products cause many other toxic pollutants to enter urban runoff in many cities. Various studies have documented the presence of polycyclic aromatic hydrocarbons (PAH) and other hydrocarbons in tailpipe emissions, motor oil and tire wear releases to pavement, runoff, streams, and the San Francisco Bay ecosystem.<sup>23</sup> Transportation pollution is one likely cause of toxic metals and toxic organics that exceeded "safe" criteria for aquatic life in runoff from dozens of U.S. cities, in the U.S. Environmental Protection Agency's "National Urban Runoff Program."<sup>24</sup>



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- <sup>1</sup> U.S. Environmental Protection Agency, 1990. Decision regarding lists of waters impacted by toxics in California and lists of pollutant sources, pursuant to Clean Water Act Section 304(l); California Water Resources Control Board (CWRCB), 1989. 1989 Water Quality Assessment; CWRCB, 1990. 1990 Water Quality Assessment; and CWRCB, 1990. Order WQ 90-5.
  - <sup>2</sup> Citizens for a Better Environment (CBE), 1989. Industrial Toxics Dischargers in South San Francisco Bay; and CBE, 1990. Hidden Polluters of California's Coast.
  - <sup>3</sup> Woodward-Clyde, 1989. Santa Clara Valley Nonpoint Source Study. Volume I: Loads Assessment Report (including appendices). Woodward-Clyde Consultants, Oakland, CA. Pages 8-18 and H-2.
  - <sup>4</sup> James, 1991. Santa Clara Valley Nonpoint Source Control Program. Presented to the San Francisco Estuary Conference "State of the Estuary Conference", June 1, 1991, in San Francisco, CA.
  - <sup>5</sup> Land use stations shown in Figure 1 were specifically chosen and measured by Woodward-Clyde (1989) to compare pollution from different land uses. Stations L1 and L2 drain industrial areas. Stations L3, L5, and L6 drain residential/commercial areas. Station L7 drains open land. Station L4 was not used in CBE's analyses because it contained a mix of open and residential land. No metals data were reported for station L8. In addition to flow and other measurements, more than 100 composite samples from these sites were analyzed for metals.
  - <sup>6</sup> James, 1991. See above.
  - <sup>7</sup> U.S. Environmental Protection Agency, 1990. Urban Targeting and BMP Selection. An information and guidance manual for state nonpoint source program staff engineers and managers. EPA Region V, Water Division, Chicago, IL. Pages 5 and 6.
  - <sup>8</sup> Woodward-Clyde, 1989. See above, page 9-3.
  - <sup>9</sup> Woodward-Clyde, 1989. See above, pages B-6 and B-13.
  - <sup>10</sup> Woodward-Clyde, 1989. See above, page B-13.
  - <sup>11</sup> Metropolitan Transportation Commission, 1991. MTC Region Facts and Figures. Table I-1 of the Draft April 1991 Regional Transportation Plan for the San Francisco Bay Area. 101 Eighth Street, Oakland, CA 94607-4700. Area-wide estimate adjusted by CBE for Santa Clara County on a per capita basis (eg., one-fourth the area-wide estimate because one-fourth the Area's 6 million people live in Santa Clara County).
  - <sup>12</sup> Woodward-Clyde, 1989. See above. Page 3-3.
  - <sup>13</sup> Woodward-Clyde, 1989. See above. Page 8-21; and California Air Resources Board, 1990. Toxics Emission Inventory for Mobile, Area, and Natural Sources [in] 1989. Adapted to Santa Clara County by CBE. See Table 1.
  - <sup>14</sup> Woodward-Clyde, 1989. See above. Page 3-4.
  - <sup>15</sup> U.S. Environmental Protection Agency, 1990. See above.
  - <sup>16</sup> U.S. Environmental Protection Agency, 1983. Final Report of the Nationwide Urban Runoff Program. Water Planning Division; U.S. EPA, 1990. See above; Hoffman et al., 1985. Stormwater Runoff from Highways. Water,



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Air, and Soil Pollution 25: 395-364; and U.S. Department of Transportation, Federal Highway Administration, 1990. Pollutant Loadings and Impacts From Highway Stormwater Runoff. Publication No. FHWA-RD-88-008.

17 Shareef and Bravo, 1988. Air emissions Species Manual. Volume II: Particulate Matter Species Profiles. EPA 450/2-88-003b; Urban, 1980. Regulated and unregulated exhaust emissions from malfunctioning three-way catalyst gasoline automobiles. EPA 460/3-80-004; Urban, 1980b. Regulated and unregulated exhaust emissions from malfunctioning non-catalyst and oxidation catalyst gasoline automobiles. EPA 460/3-80-003; and California Air Resources Board, 1989. Motor Vehicle Toxics: Assessment of Sources, Potential Risks and Control Measures. Mobile Source Division, El Monte, CA.

18 California Air Resources Board, 1990. See above.

19 California Air Resources Board, 1991. Results of fuel analyses for lead and other metals in gasoline for the years 1989, 1990, and 1991 (as of July, 1991). Response of James J Morgester to a public records request by CBE. CBE analysis of the geometric mean of thousands of 1989 measurements.

20 Larsen, Paul, Chevron Corporation, per. com. with Greg Karras, Director, Clean Bays and Coastal Waters Program, Citizens for a Better Environment, June 1, 1991.

21 Purvis, Chuck, Metropolitan Transportation Commission of the S.F. Bay Area. Personal communication with Julia May, Director, Northern California Clean Air Program, Citizens for a Better Environment, on July 15, 1991.

22 U.S. Environmental Protection Agency, 1990. See above; James, 1991. See above; and U.S. Environmental Protection Agency, 1983. See above.

23 California Air Resources Control Board, 1989. See above; Federal Highway Administration, 1990. See above; Hoffman et al., 1985. See above; Spies, 1987. Benzthiazoles in estuarine sediments as indicators of street runoff. Nature, Lond., 327, 697-699; Stenstrom et al., 1982. Oil and Grease in Stormwater Runoff. Association of Bay Area Governments, Oakland, CA; Stenstrom et al., 1984. Oil and grease in urban stormwaters. J. Env. Eng., 110, 58-72; and Woodward-Clyde, 1989. See above.

24 EPA, 1983. See above.

July 5, 1991

TO: CLEAN South Bay Steering Committee

FROM: Greg Karras, Citizens for a Better Environment

Re: Analysis of Traffic and Pollutants Data in the Federal Highway Administration Investigation "Pollutant Loadings and Impacts From Highway Stormwater Runoff"

This report analyzed hundreds of measurements of pollutants in runoff from two-dozen highway sites. I was particularly interested in the comparisons of pollutant concentrations and average traffic levels. The report found that, on urban highways carrying more than 30,000 vehicles per day, median TSS, VSS, TOC, COD, copper, lead, and zinc concentrations were significantly greater than on highways carrying less traffic in rural and urban areas.<sup>1</sup>

However, page 71 makes it clear that the report did not distinguish the effects of different urban land uses in its traffic analysis, even though page 87 suggests that land use factors may drown out the effects of traffic density. Other interpretations of runoff data show traffic and land use factors can be separated to show that increased traffic levels are associated with increased pollutant concentrations.<sup>2</sup> This raises the question whether the national data in this report could be so analyzed. For example, the report could not correlate median cadmium concentrations and traffic for a mix of urban land uses. See page 76 and the first plot on the next page. Separating out only the suburban sites however, increased traffic can account for 99% of increased Cd.

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<sup>1</sup> Federal Highway Administration, 1990. Publication No. FHWA-RD-88-008. Pages 28 through 38.

<sup>2</sup> Ibid., page 86; and Hoffman et al., 1985. Stormwater Runoff From Highways. Water, Air, and Soil Pollution 25: 395-364.

paragraph (1).

(3) There is authorized to be appropriated to carry out the provisions of this subsection, \$100,000,000 per fiscal year for the fiscal years 1979 through 1983 and such sums as may be necessary for fiscal years 1984 through 1990.

[Sec. 304(k)(3) amended by PL 100-4]

(1) Individual Control Strategies for Toxic Pollutants.—

[Sec. 304(1) added by PL 100-4]

(1) State List of Navigable Waters and Development of Strategies. — Not later than 2 years after the date of the enactment of this subsection, each State shall submit to the Administrator for review, approval, and implementation under this subsection—

(A) a list of those waters within the State which after the application of effluent limitations required under section 301(b)(2) of this Act cannot reasonably be anticipated to attain or maintain (i) water quality standards for such waters reviewed, revised, or adopted in accordance with section 303(c)(2)(B) of this Act, due to toxic pollutants, or (ii) that water quality which shall assure protection of public health, public water supplies, agricultural and industrial uses, and the protection and propagation of a balanced population of shellfish, fish and wildlife, and allow recreational activities in and on the water;

(B) a list of all navigable waters in such State for which the State does not expect the applicable standard under section 303 of this Act will be achieved after the requirements of sections 301(b), 306, and 307(b) are met, due entirely or substantially to discharges from point sources of any toxic pollutants listed pursuant to section 307(a);

(C) for each segment of the navigable waters included on such lists, a determination of the specific point sources discharging any such toxic pollutant which is believed to be preventing or impairing such water quality and the amount of each such toxic pollutant discharged by each such source; and

(D) for each such segment, an individual control strategy which the State determines will produce a reduction in the discharge of toxic pollutants from point sources identified by the State under this paragraph through the establishment of effluent limitations under section 402 of this Act and water quality standards

under section 303(c)(2)(B) of this Act, which reduction is sufficient, in combination with existing controls on point and nonpoint sources of pollution, to achieve the applicable water quality standard as soon as possible, but not later than 3 years after the date of the establishment of such strategy.

(2) Approval or Disapproval. — Not later than 120 days after the last day of the 2-year period referred to in paragraph (1), the Administrator shall approve or disapprove the control strategies submitted under paragraph (1) by any State.

(3) Administrator's Action. — If a State fails to submit control strategies in accordance with paragraph (1) or the Administrator does not approve the control strategies submitted by such State in accordance with paragraph (1), then, not later than 1 year after the last day of the period referred to in paragraph (2), the Administrator, in cooperation with such State and after notice and opportunity for public comment, shall implement the requirements of paragraph (1) in such State. In the implementation of such requirements, the Administrator shall, at a minimum, consider for listing under this subsection any navigable waters for which any person submits a petition to the Administrator for listing not later than 120 days after such last day.

[Editor's note: Section 308(g) of PL 100-4 requires:

“(g) Water Quality Improvement Study. —

(1) Study. — The Administrator shall study the water quality improvements which have been achieved by application of best available technology economically achievable pursuant to section 301(b)(2) of the Federal Water Pollution Control Act. Such study shall include, but not be limited to, an analysis of the effectiveness of the application of best available technology economically achievable pursuant to such section in attaining applicable water quality standards (including the standard specified in section 302(a) of such Act) and an analysis of the effectiveness of the water quality program under such Act and methods of improving such program, including site specific levels of treatment which will achieve the water quality goals of such Act.

(2) Report. — Not later than 2 years after the date of the enactment of this Act, the Administrator shall submit a report on the results of the study conducted under



STATEMENT OF DOUG HARRISON  
on behalf of the  
CALIFORNIA STORMWATER QUALITY TASK FORCE

Before the Subcommittee on Water Resources  
Committee on Public Works and Transportation  
United States House of Representatives

April 25, 1991

INTRODUCTION:	Page 1
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Support for "Maximum Extent Applicable" Standard	Page 9
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2. Confusion as to the definition and intent of MEP has already resulted in litigation with two major California permits related to South San Francisco Bay and Santa Monica Bay having been appealed by environmental interest groups. In addition, the Natural Resources Defense Council has petitioned the federal court to set aside the entire stormwater NPDES regulation.

3. Actual expenditures incurred thus far in the implementation efforts indicate the costs previously reported to Congress relative to local and state implementation of the Part I and Part II elements of the stormwater NPDES permits were underestimated by hundreds of millions of dollars. Even more significantly, an attainability analysis for heavy metals has determined that costs incurred in the effort to achieve water quality standards established pursuant to Section 303(c) of the Clean Water Act appear likely to total hundreds of millions of dollars for each medium and large municipal system. (See City and County of Sacramento; total cost, \$2 billion dollars.)

4. Extensive research findings relative to urban runoff quantity and quality indicate even the most intensive application of structural and non-structural means, collectively requiring expenditures by each community of hundreds of millions of dollars, can not achieve consistent compliance with water quality standards when expressed as numeric effluent limits.

5. In spite of massive efforts and expenditures by local communities to effect compliance with Congress' 1987 mandate, they will be found in non-compliance and continually subjected to the enforcement and penalty provisions of the statute.

6. The variables which influence stormwater system flow volumes, rates, and contaminant loading and concentrations, are so numerous and unpredictable, current monitoring technology is not sufficiently accurate to prove the beneficial impact of any particular practice, technique or method from one storm event to the next.

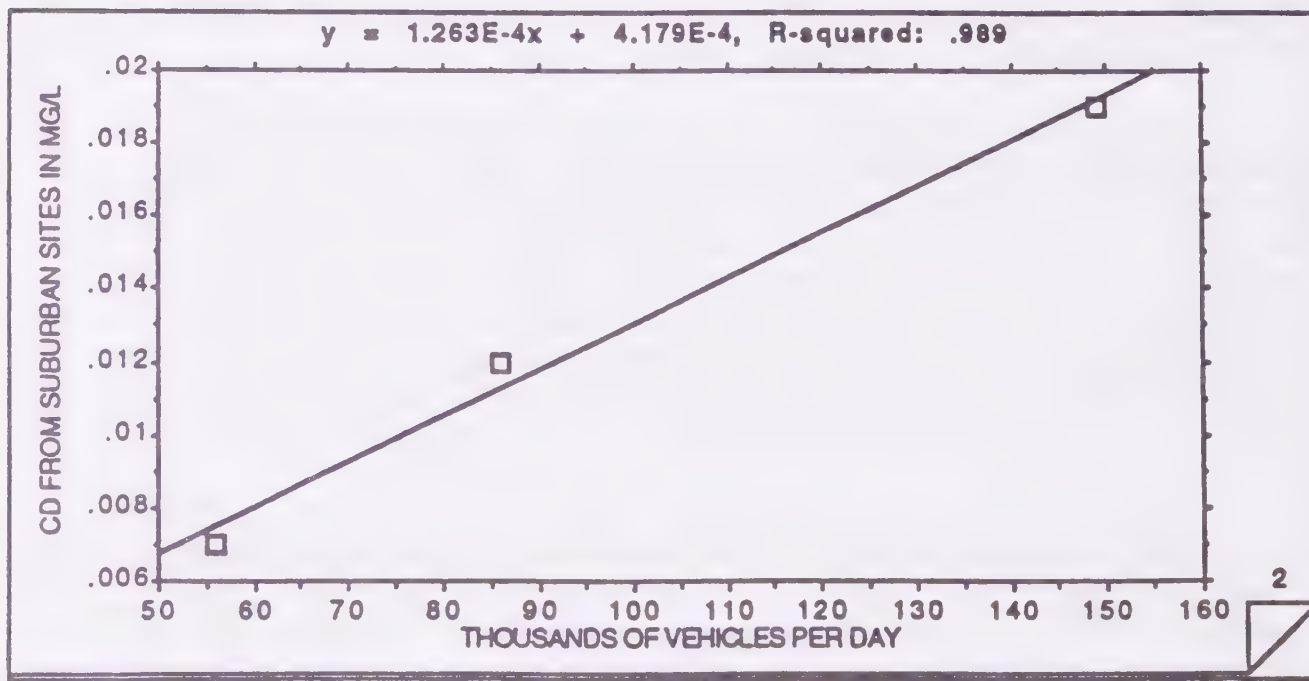
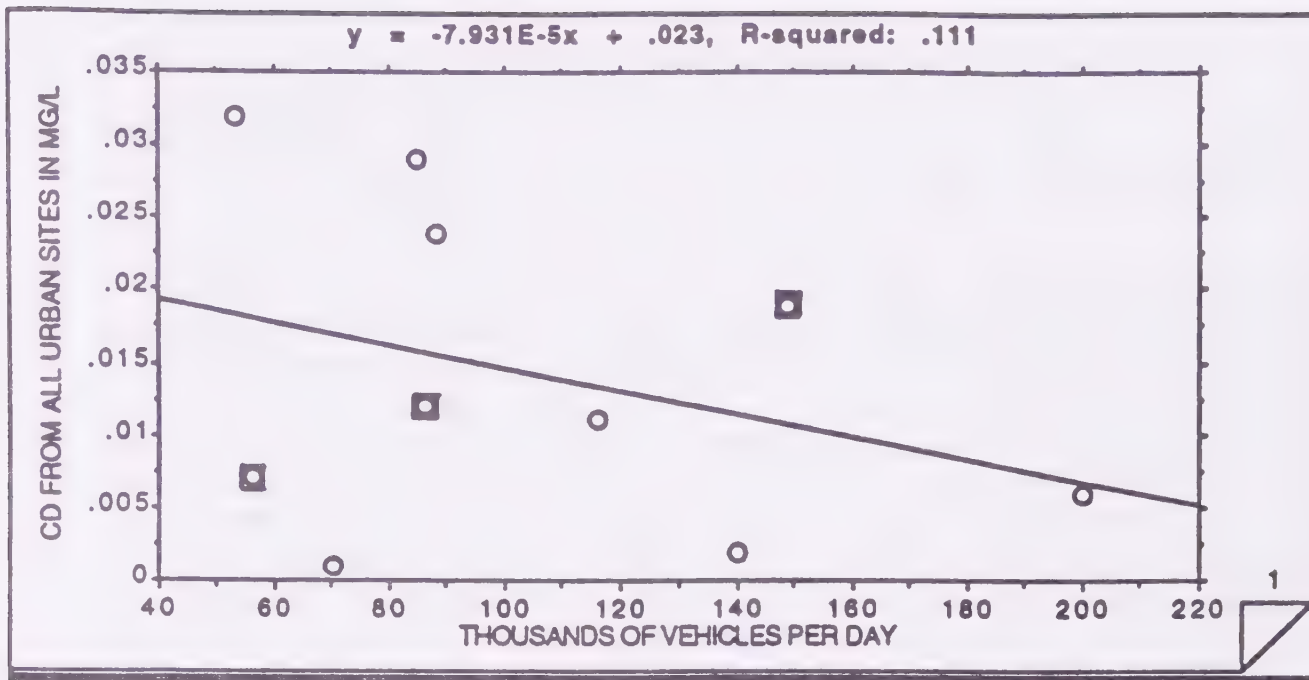
7. Without the ability to accurately measure results, responsible communities pursuing extensive stormwater quality programs will be treated the same as irresponsible communities making little effort.

costs of  
implementing  
part 1 +  
part 2  
elements

MS4s

MS4s

MS4s



SOURCE: DATA FROM FEDERAL HIGHWAY ADMINISTRATION PUBLICATION NO. FHWA-RD-88-008 (APRIL 1990)



The report correctly notes that there is a possibility of test inaccuracy at the small cadmium concentrations that were reported. However, other pollutants that were measured in greater concentrations showed the same pattern. For example, at suburban highways with more than 30,000 vehicles per day, 99% of the increases in lead and zinc concentration could be explained by increases in traffic. See the plots on the next page.

Emissions data suggest that auto use is very important to the initial introduction of many pollutants to the street environment.<sup>3</sup> If these data are accurate, only very important additional source or transport factors could drown out the influence of auto use. Industrial sources can cause local variations, such as the smelter discussed on page 73 of the report that changed the zinc correlation. Generally, air turbulence may be most important as it is a ubiquitous part of the pathway taking pollutants from cars to the storm drains. Different land uses may create large differences in the quantities of pollutants deposited and re-deposited on nearby streets by air turbulence.

Thus, the best way to look at traffic influence may be to exclude undefined urban sites that may include local industrial air pollution sources, and focus on sites where land use tends to be most homogeneous. This supports the suburban cadmium, lead, and zinc analyses that show traffic density is associated with pollutant levels.

Although the site medians compared each represent a number of measurements rather than a single measure of a single storm, the smaller data base used in these more specific land use analyses may also introduce uncertainty. There is value in separating out high-traffic sites as the report and the analyses discussed above do: if more cars cause more pollutants then these sites will have stronger "signals" that will be easier to read over the "noise" created by different sources of pollutants from the surrounding land uses. Nevertheless, confirming information can be found by an additional analysis of high- and low-traffic sites that are pooled together.

Pollutant levels from high- and low-traffic sites become progressively more closely related to traffic levels as the variability of land uses is stripped away. For lead and zinc, there was no correlation with traffic at a hodge-podge of rural sites, and none at undefined urban sites. When residential, commercial, and suburban sites were pooled, increased traffic levels could explain 46% of the increases in lead and 90% of the increases in zinc concentrations. Separating out the suburban sites and including high- and low-density traffic conditions, 88% of lead and 98% of zinc increases could be explained by increased traffic. See the plots following the next page.

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<sup>3</sup> Karras, 1991. Petroleum Transportation and Poison Runoff: Gasoline, Asphalt, and other petroleum Causes of Toxic Storm Drain Pollution in South San Francisco Bay. Citizens for a Better Environment, San Francisco, California (Enclosed).

The crucial interaction of land use and air turbulence may also help explain the better correlations between overall urban traffic and organic pollutants found in the report. Many toxic organic chemicals are more strongly associated with the "grease strip" of the road, while metals tend to be associated with "dust" particles.<sup>4</sup> Surrounding lands may either trap these particles or act as reservoirs from which metals can be reintroduced to streets. Thus, metals associated with particles moved by air turbulence are more strongly influenced by surrounding land uses. Organics in grease strips might be expected to be less impacted by atmospheric re-deposition than metals, and more strongly associated with traffic levels across differing land uses.

## CONCLUSION

Based on available information we can predict what may be obvious, that traffic changes will change the discharge rates of some urban runoff pollutants. Please let me know your thoughts on this. I look forward to further discussions with you on cleaning up poison runoff!

Respectfully submitted,



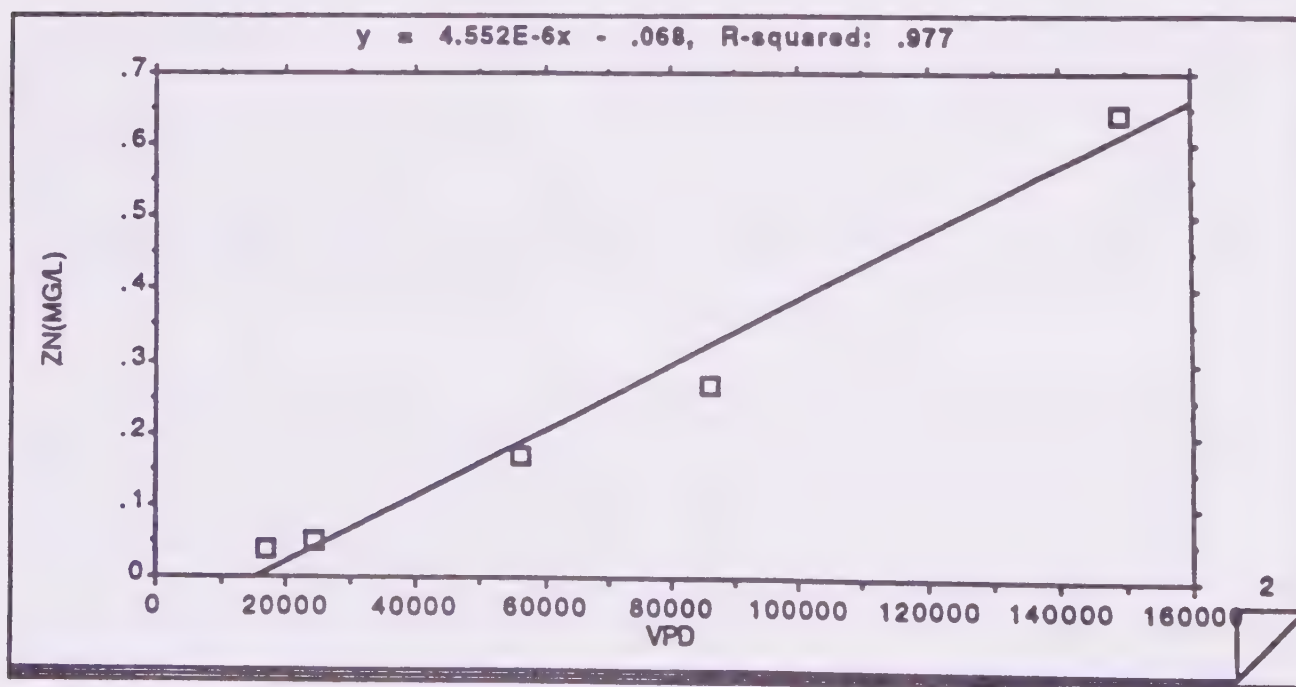
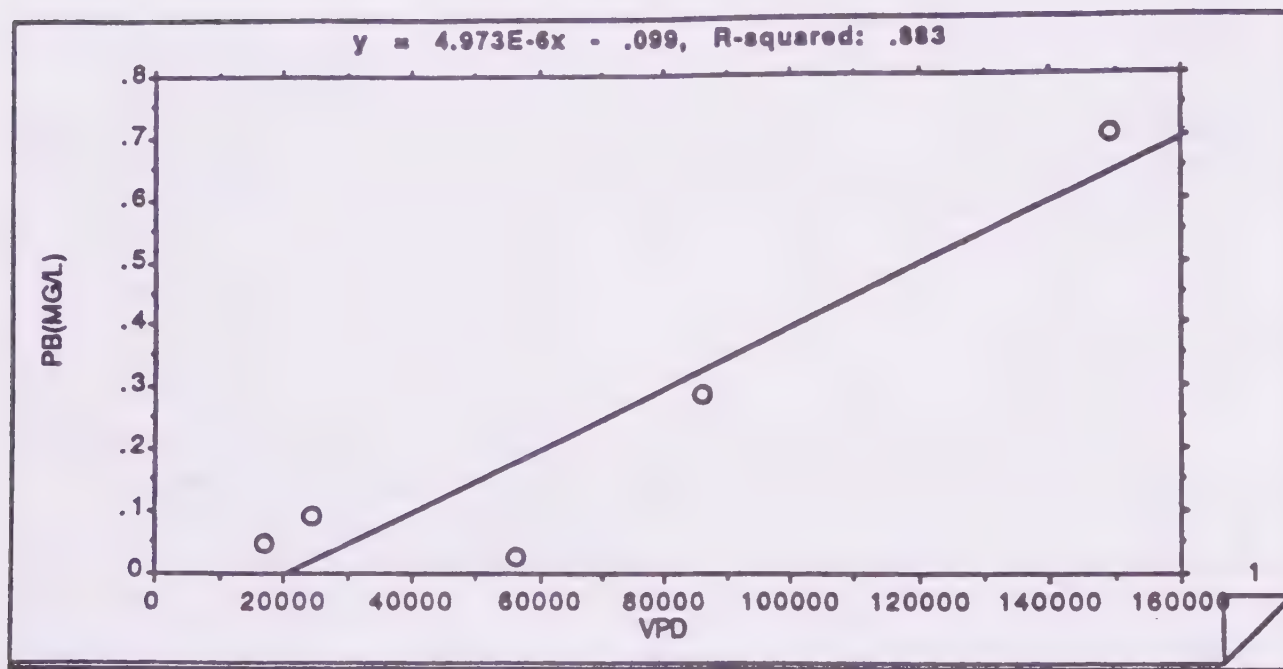
Greg Karras, Director  
Clean Bays and Coastal Waters Program

enc. CBE paper on transportation causes of poison runoff in South San Francisco Bay.

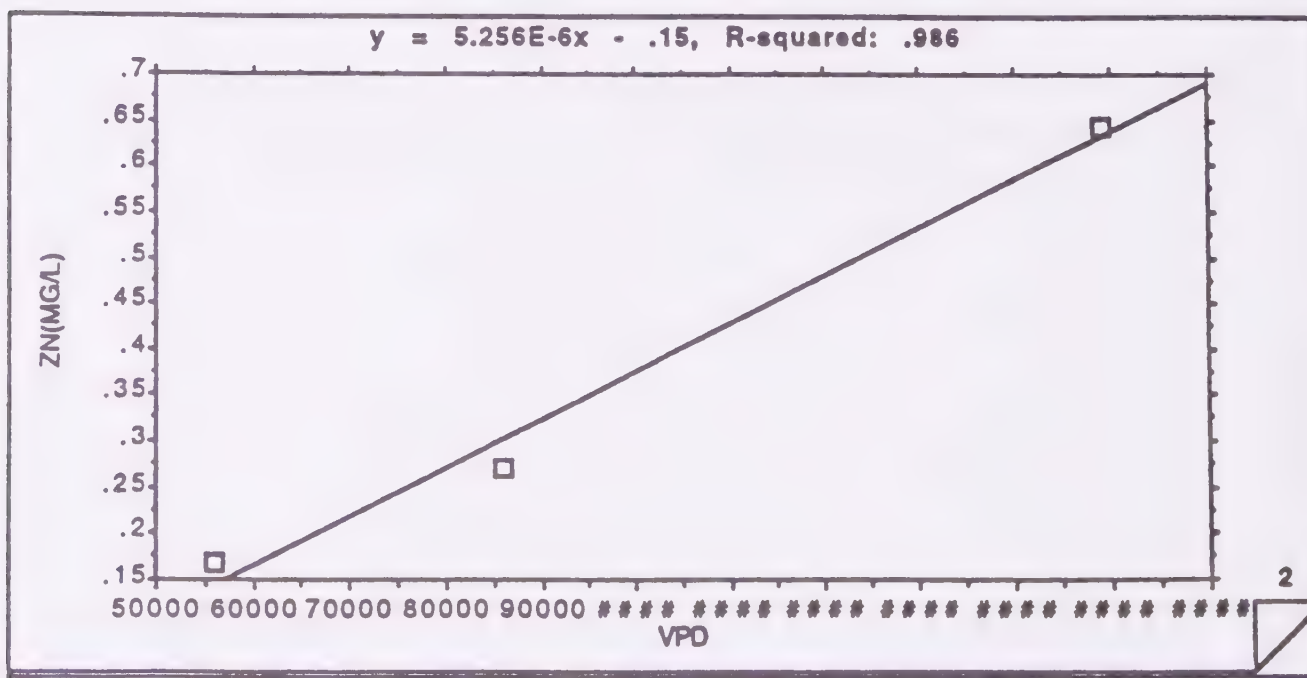
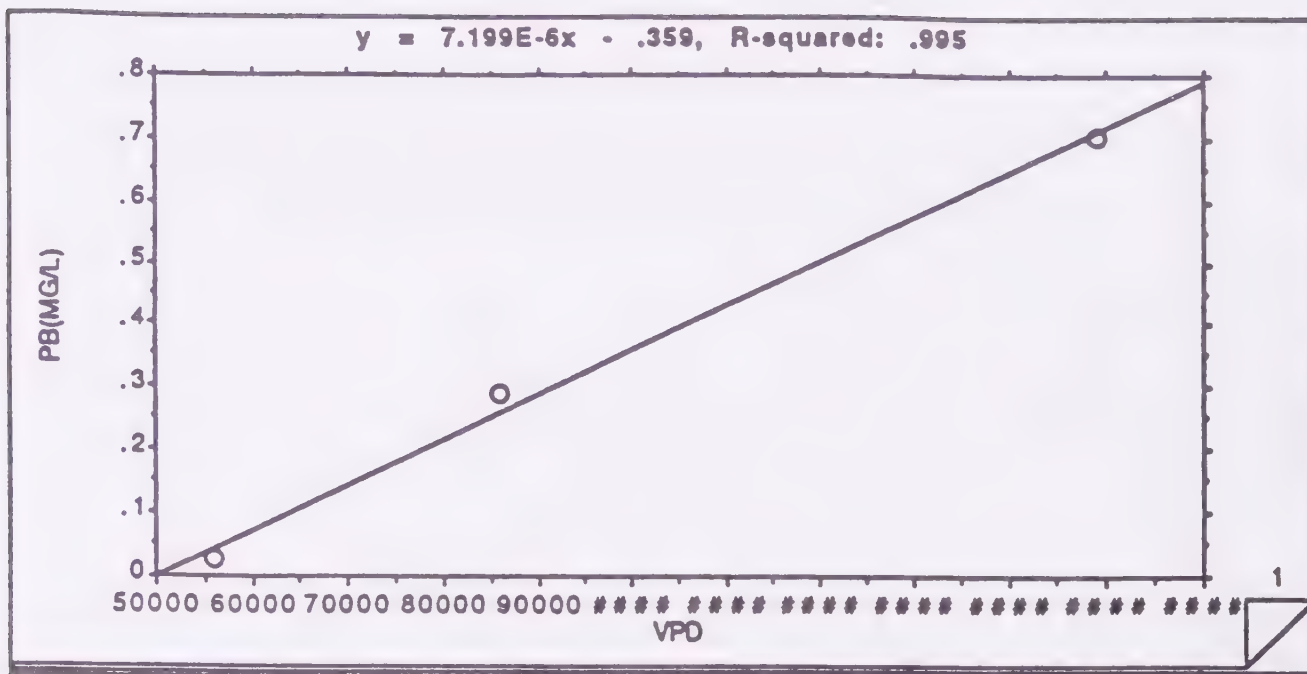
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<sup>4</sup> Hoffman et al., 1985. See above.

# REGRESSION ANALYSIS OF SUBURBAN SITE MEDIANS

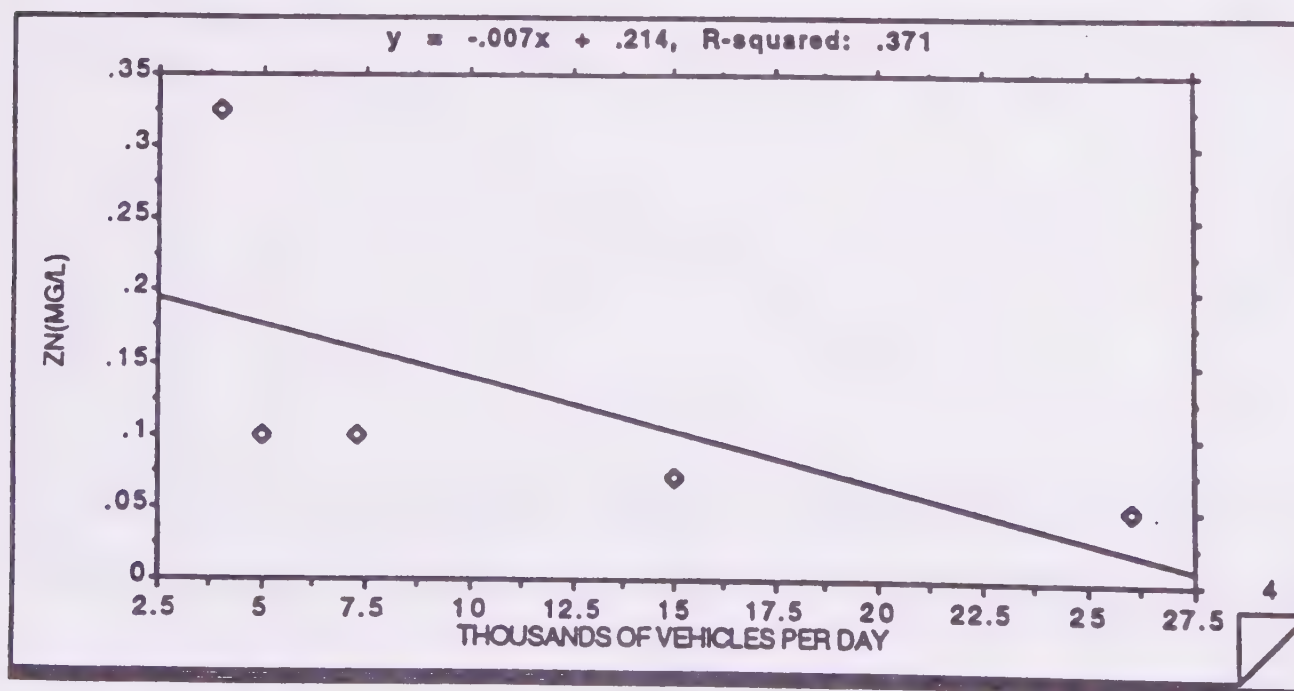
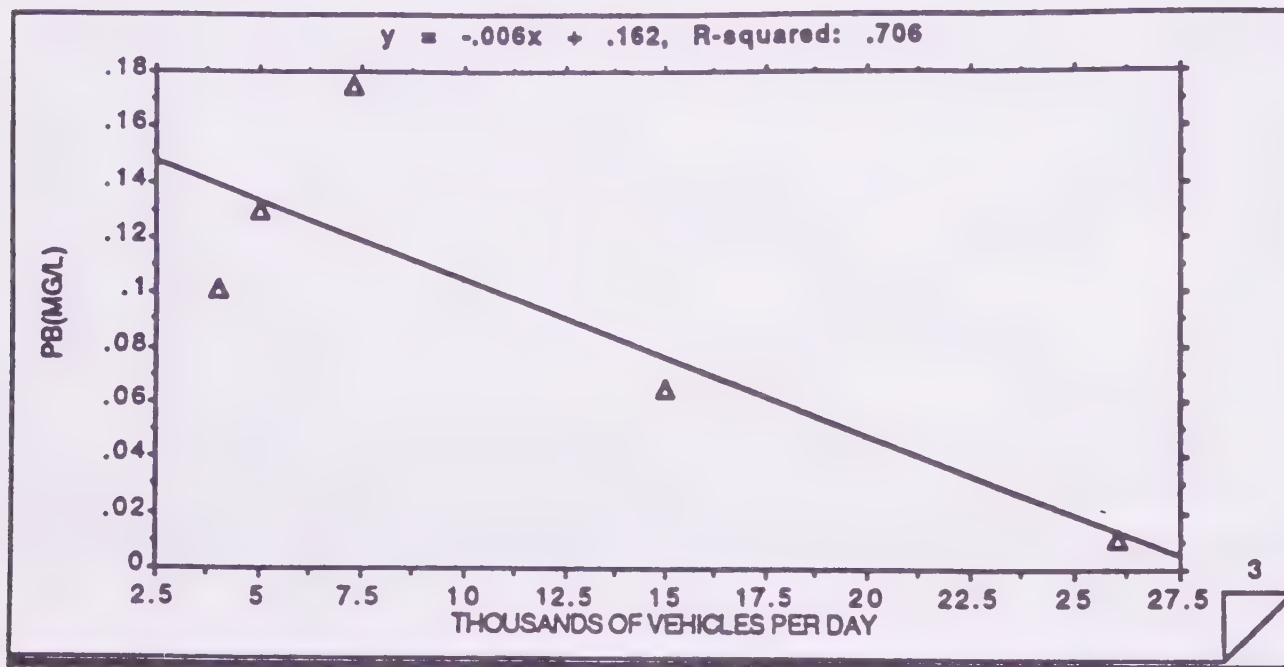


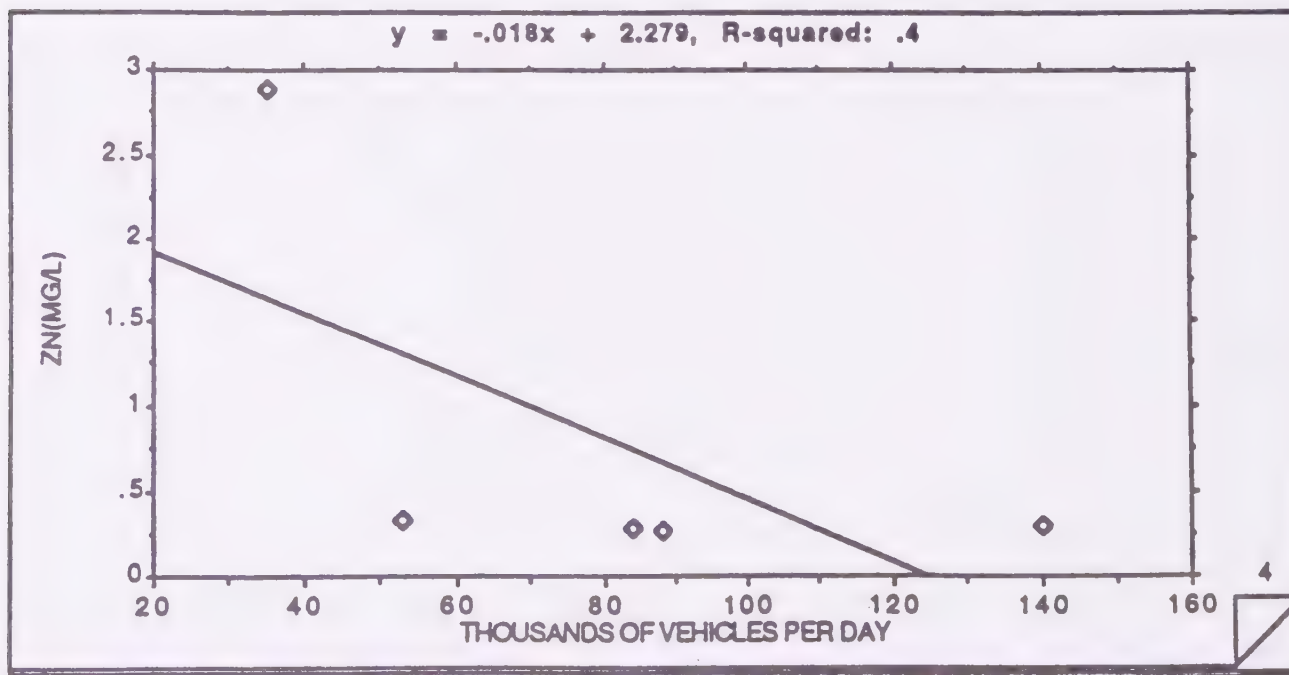
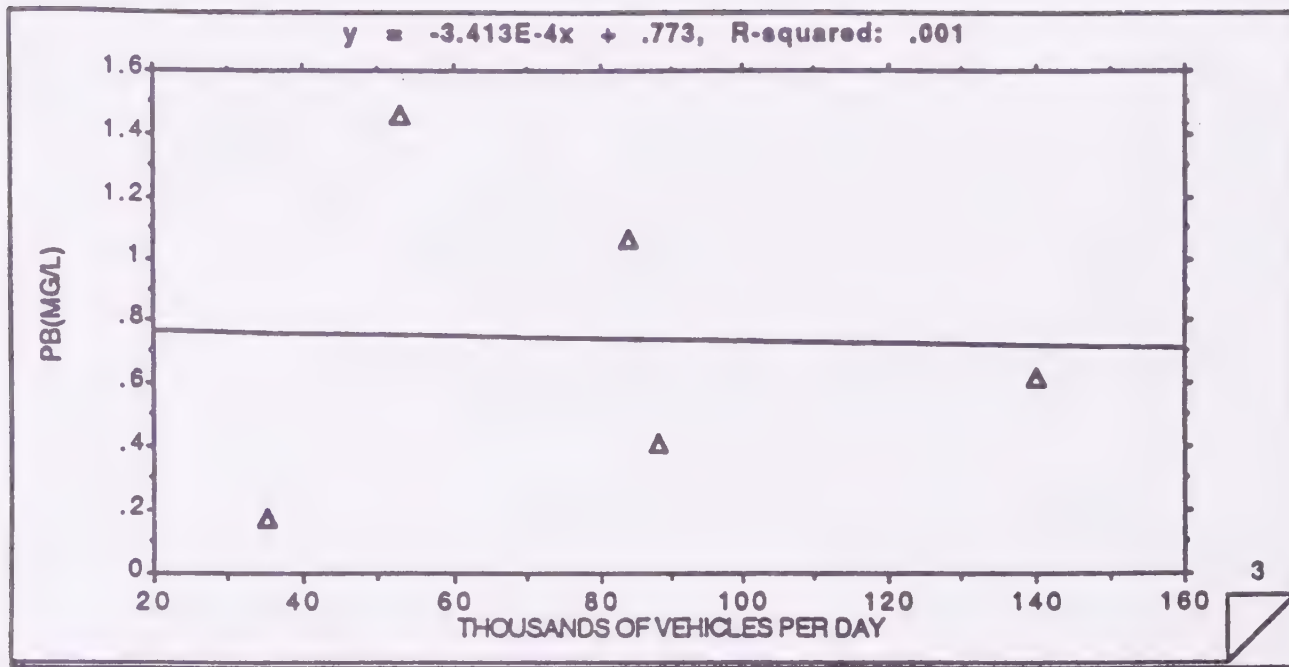




SOURCE: U.S.D.O.T. PUBLICATION NO. FHWA-RD-88-008 (APRIL 1990)

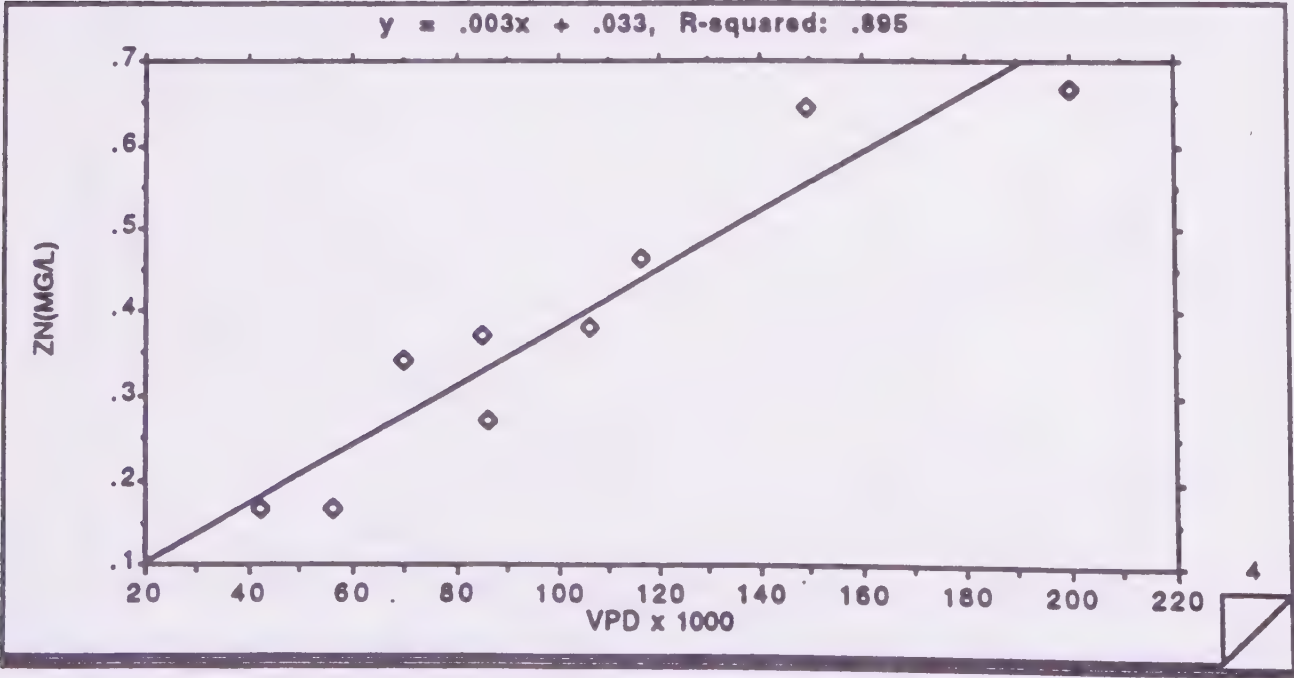
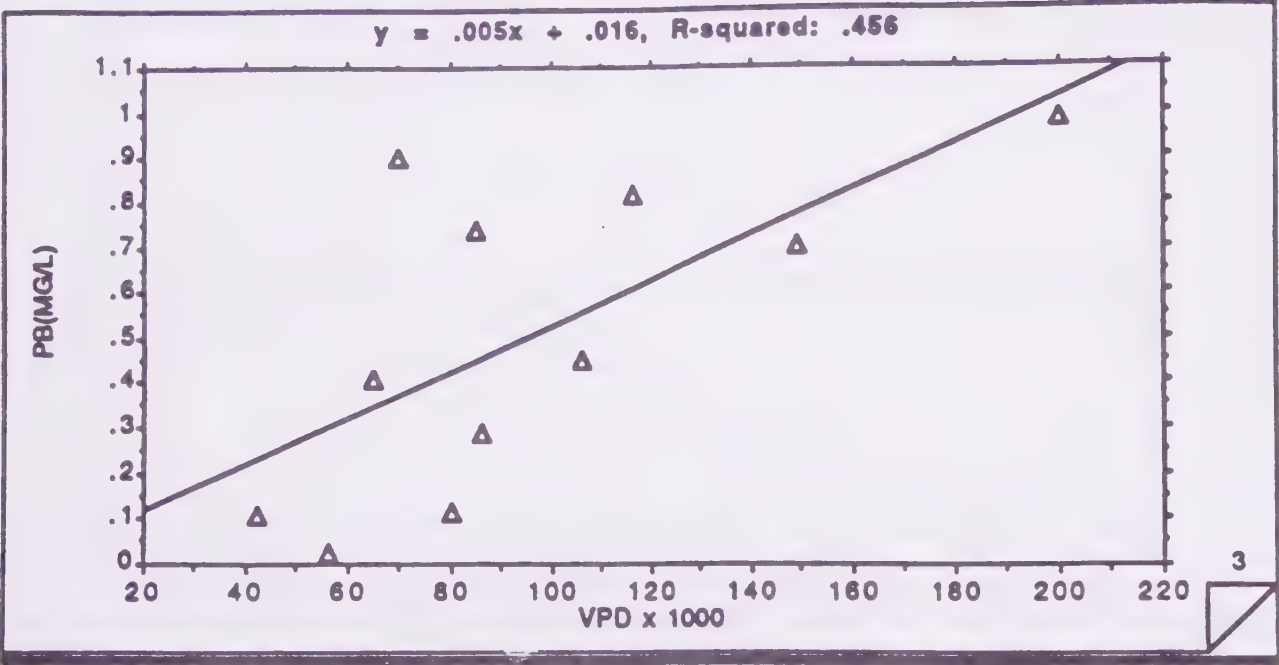
# REGRESSION ANALYSIS OF DESERT, FOREST, FARM, AND OTHER HIGHWAY SITE MEDIANS







REGRESSION ANALYSIS OF RESIDENTIAL, COMMERCIAL, AND SUBURBAN SITE MEDIANS



**Response to Comment  
Letter C21**

**RESPONSE C21-1**

The DEIR examines the environmental impacts of control measures proposed in the CAP. The impacts associated with vehicle use and contaminated urban runoff are discussed in Chapter 4.10. The DEIR concludes that the CAP will result in a beneficial impact to water quality, primarily due to reduced motor vehicle use. While the water quality benefits are considered important, the content of the CAP is guided by CCAA requirements to adopt all feasible measures as expeditiously as possible.

The attachments provided with the comments do not address the environmental analysis and thus are beyond the scope of this EIR.







LETTER C22

## BUILDING INDUSTRY ASSOCIATION

2641 W. CROW CANYON ROAD • SUITE 1 • SAN RAMON, CA 94583  
(415) 820-7626

July 24, 1991

Mr. Paul L. Cooper, Chairman  
Bay Area Air Quality Management District  
939 Ellis Street  
San Francisco, CA 94109

### RE: COMMENTS ON THE DRAFT BAY AREA 91 CLEAN AIR PLAN

Dear Mr. Cooper:

I am writing on behalf of the Building Industry Association of Northern California (BIANC), a non-profit trade association representing approximately 1,300 homebuilders and related trades in the 12 Bay Area and Monterey counties.

We appreciate the opportunity to submit comments on the District's Bay Area 1991 Clean Air Plan (CAP). We will be submitting comments later on the EIR and Socioeconomic report. Today, we would like to focus our comments this evening on three Transportation Control Measures: TCM #16, TCM #18, and TCM #19.

#### TCM #16 - Indirect Source Control Program

We are very concerned with the implications of several aspects of the proposed Indirect Source Control measure as they relate to the production of vitally needed housing in the Bay Area. Despite extensive analyses in the draft EIR for the 91 CAP of projected shortfalls in regional housing and the air quality consequences of long-term job commutes from the Valley to Bay Area employment centers, the proposed Indirect Source Control Program classifies residential developments as "indirect sources" in the same league as airports and shopping centers. ISR can only lead to further delays and costs for residential projects. The ISR measure also alludes to "emission offsets" as a potential specific measure without indicating what is meant by emission offsets, thereby creating the specter of applying stationary source concepts to mobile source emissions issues and potentially new impediments to housing production as residential developers hunt for emissions offsets.

C22-1

REGIONAL OFFICES

EASTERN  
(415) 932-8884  
Walnut Creek

C22-1  
WEST BAY  
(415) 364-9008  
Redwood City

SOUTHERN  
(408) 437-1390  
San Jose

NORTHERN  
(707) 584-9133  
Rohnert Park

We believe that residential projects are qualitatively different from the other types of projects listed under the ISR TCM. Residential projects are not themselves major activity centers and do not have the wherewithal to create effective mobile source emissions reduction programs.

C22-P Equally significantly, we believe that classifying residential projects as indirect sources/activity centers and stating that "separate requirements will apply to new and existing developments" creates distinctions between current and new residents of the Bay Area that are completely contrary to the direction of the state and federal clean air laws. The objective of air quality regulation is to reduce pollutant emissions in order to secure a healthful environment for both present and future populations. The state and federal Clean Air Acts make it clear that attainment plans must address projected future population and that neither statute in any way impliedly authorizes measures which effectively regulate land use to control population growth.

With respect to mobile source emissions, everyone--whether an existing resident of the Bay Area or a new resident--contributes to the cumulative impacts that cause non-attainment of air quality standards. In terms of causal relationships, ozone impacts created as a result of mobile source emissions from vehicle tailpipes do not differentiate between new and existing residents. Accordingly, rather than differentiating between new residents and existing residents of a region, the state and federal Clean Air Acts identify transportation control measures as the types of programs that can achieve attainment for future populations and that are to be implemented uniformly throughout an individual air basin.

Essentially, transportation control measures act differently to affect the use of individual vehicles. In the past decade, the vastly disproportionate increase in VMT relative to population increases makes it clear that the use of vehicles by individuals cumulatively rather than the fact of development is what must be addressed in order to reduce mobile source emissions. For instance, between 1984 and 1989, total VMT in the BART counties increased by 24% while population increased by only 8%. During the same time period there has been no increase in the state highway system in the region. These figures parallel the experience of VMT growth relative to population growth at a national level as recently reported by one of the drafters of the 1990 federal Clean Air Act Amendments: "Since 1960 vehicle and VMT growth have outstripped population growth by four to five times" (Gary Hawthorne, "Transportation Provisions of the Clean Air Act Amendments of 1990," February 1991). Significant increases in the number and percentages of two-wage-earner families, increasing affluence, and the suburbanization of employment centers have all been cited as factors influencing the dramatic increases in VMT relative to population increase.



Based on these patterns of regional VMT increases over time, one can readily conclude that development-related population increases are not fundamental causal factors in increased trip generation but instead it is the individual use of vehicles that is at the source of most of the mobile source emissions factors resulting from increased trip generation, increased VMT, and concomitant increases in congestion-related emissions.

In addition to the lack of a causal relationship between residential development and dramatic increases in regional VMT, trips originating in residential areas are likely to change dramatically over time, making it almost impossible to attribute long-term mobile source emission impacts to specific residential projects. Changes in the work force and shifts in major employment locations can result in dramatic changes in commute patterns within the timeframe of an air quality attainment plan. The shift in commute patterns occasioned by the evolution of concentrated employment centers along the I-680 corridor in Contra Costa County is merely one example of how both the number and location of home-to-work trips can be drastically altered within relatively short timeframes. Given the dynamic nature of mobile source emissions and their responsiveness to societal factors in contrast with the smokestack technology questions confronting stationary sources, references to "emission offsets" or air quality mitigation measures (other than site design for transit access) are completely misguided when applied to new residential development.

Rather than relying on project-oriented indirect source review measures that are inherently incremental, the fairest and most effective method of reducing mobile source emissions is to implement regionwide transportation control measures which focus on vehicle use by the individual. Instead of ill-defined impact fees or mitigation measures for residential projects, transportation control measures can be implemented to provide for broad-scale measures directed toward influencing vehicle use.

For instance, both new and existing development can participate in transportation management authorities comprised of major employers in specific geographic areas with the ability to design trip reduction programs tailored to the needs and circumstances of their area. Likewise, regionwide congestion pricing measures, such as the market incentives program proposed by the Bay Area Economic Forum and the measures included in the Phase 3 component of the MTC 1990 TCM plan, can employ what are in effect user fees both to influence transportation behavior and to reflect direct impacts caused by individual transportation decisions. Such congestion pricing mechanisms are perhaps the only true way to establish a "nexus" between impact fees and mitigation for mobile source reduction purposes--one who chooses to drive (in a context where viable HOV/transit options exist) pays an "impact fee" to offset that impact in the sense that such a fee is used to contribute to transportation programs designed to offset the impact.



Mr. Paul L. Cooper  
July 24, 1991

Page 4

We have attached a detailed legal and policy analysis which reviews the legal, practical, and policy difficulties associated with attempting to differentiate new residential development from existing residential development. The attached analysis also points out a number of difficulties inherent in treating residential projects as subjects for air quality mitigation review in contrast with more effective and more legally defensible approaches employing transportation control measures on a broadscale regional basis. We simply cannot intertwine the provision of shelter with vehicle use questions that can and must be addressed at a regional level.

#### TCM #18 - Zoning for High Densities Near Transit Stations

We concur in the proposal to encourage zoning sites for higher density development near transit stations. However, we would encourage that planners work directly with the development industry and local communities to determine what types of development are functionally, economically, and politically viable.

#### TCM #19 - Air Quality Elements for General Plans

We have strong reservations regarding the functional and legal adaptability of general plans to the dynamic nature of air quality plan implementation. Currently three statutes--the California Clean Air Act, the federal Clean Air Act, and the state Congestion Management Plan requirements--contain distinctly different requirements and performance standards for air quality planning and implementation. In that air quality implementation will require coordination among three different sets of statutory requirements with three different planning timeframes, local governments could find that different or even contradictory requirements established at the state or federal level would necessitate immediate modification of a local government Air Quality Element. General Plan elements, with their limitations on the number of amendments per year and CEQA requirements, are simply not sufficiently flexible to respond to the dynamic and programmatic nature of air quality plan implementation.

We strongly recommend that local government involvement in air quality plan implementation take the form of local government ordinances and regulations. As contrasted with general plan elements, the use of ordinances as the primary mechanism for local government implementation actions allows flexibility to adapt to changing state and federal requirements and to lessons of experience as specific measures are implemented. Changes can be made in implementation programs without raising questions of general plan consistency with other elements of the general plan, as is the case with general plan amendments.

An ordinance approach also makes far greater sense from a regional implementation perspective. Under the California Clean Air Act, authority for indirect source review and

transportation control measures resides with air quality districts. The California Clean Air Act contains specific provisions and statutory standards for delegating such authority to local governments. California law also requires regional uniformity in measures directed at reducing emissions of specific types of pollutants. In order to have a workable regionwide program of delegation of authority from the District to local government and to assure the necessary level of uniformity, the District should give serious consideration to the approach recently adopted by the South Coast Air Quality Management District which is summarized as follows:

In consultation with regional transportation agencies, local governments, and interested parties, the District would develop model ordinances for the implementation of specific Transportation Control Measures.

Local governments will then have a specified time period within which they will either adopt the District's model ordinance or propose an alternative to be reviewed by the District.

If the local government adopts the District's model ordinance or if the District finds a local government alternative approach acceptable, implementation authority for the particular implementation measure is delegated to local government.

If the local government action is not found acceptable by the District, the District uses its "backstop" authority to adopt a regionwide rule applicable to those jurisdictions which have not obtained delegated authority.

The above approach is consistent with the delegation approach outlined by the District under TCM #16 but makes clear that: (1) the focus is on Transportation Control Measures, and (2) local government action will take the form of an ordinance rather than a general plan element.

Finally, we would like to comment briefly on the reference to jobs/housing balance in the last provision of TCM #19. The concept of jobs/housing balance is one which almost anyone can endorse. However, given the dynamic nature of our economy and dramatic shifts of employment centers and types of employment over time, quantified approaches to jobs/housing balances are next to impossible to implement and will only create further impediments to constructing housing. Given the difficulties inherent in using jobs/housing balance as an air quality measure (both with respect to assessing emissions reduction credits and with respect to implementation authority), the South Coast Air Quality District has recently modified the measure that had previously embodied the concept to become a generic measure

directed toward reducing Vehicle Miles Travelled. We strongly urge that the District concentrate its efforts on designing and implementing effective Transportation Control Measures and encourage local governments to focus their efforts on actions supportive of such measures rather than dissipate our collective resources in pursuit of a "jobs/housing balance" goal that is completely contrary to the dynamics of our economy.

We would suggest several basic principles that should guide the use of transportation control measures:

(1) Transportation control measures should be established on a regional basis both to assure that the measures are effective in addressing regional VMT and to provide for equitable treatment of individuals and businesses (i.e., by sharing the burden of carrying out TCMs evenly throughout the region). Such uniformity of treatment on a regional basis is required by California Health & Safety Code Section 41503(b): The California Air Resources Board shall "...require control measures for the same emission sources to be uniform throughout the air basin to the maximum extent feasible...."

(2) Transportation control measures intended to be carried out by local government rather than implemented directly through District rule-making should provide a framework for uniform regional application while still allowing for adjustments to local circumstances. Such an approach could be carried out in the following way:

In consultation with local governments and interested parties, the District would prepare a model ordinance providing an implementation program for carrying out a particular transportation control measure.

Local governments which adopt the model ordinance would automatically qualify for delegation of authority to implement the transportation control measure under Health & Safety Code Section 40717.

Local governments that do not adopt the model ordinance but wish to adopt an equivalent measure under Health & Safety Code Section 40717.



Local governments that do not adopt the model ordinance but wish to adopt an equivalent measure which would be submitted to the District for review to determine whether the alternative measure qualifies for delegation under the criteria set forth in Health & Safety Code Section 40717.

For those jurisdictions which do not qualify for delegation of authority to implement transportation control measures, the District would adopt a "backstop" rule applicable to such areas and consistent with the provisions of the model ordinance.

(3) Any user fee program carried out to implement employer-based trip reduction measures or congestion-pricing measures such as those proposed for Phase 3 in the MTC 1990 TCM plan should comply with the "nexus" requirements for both application and use of such fees in ways consistent with the following concepts:

Fees levied for purposes of influencing travel behavior/mode choice (e.g., congestion pricing) should be no greater than a cost level required to alter transportation modes sufficiently to attain mobile source reduction levels required under the state and federal Clean Air Act laws and should not in any way be based on the funding needs of alternative modes of transportation.

Any such fees should be evaluated periodically to determine whether the fees are at a level appropriate to achieve their specified mobile source emission reduction objectives and adjusted either upward or downward depending on the results of the evaluation studies. Any upward adjustment in fees should be made only after opportunities for public hearings and comment.

Any fees or other revenues received by public agencies as a result of employer-based programs or congestion pricing measure should, under the Nollan principles, be used solely for measures supportive of trip and VMT reduction (i.e., costs above and beyond reasonable program administration costs) or other programs to reduce mobile source emissions such as clean fuels or the purchase of older vehicles.

Mr. Paul L. Cooper  
July 24, 1991

Page 8

We believe that the approach outlined above would be consistent both with the statutory requirements of the state and federal Clean Air Acts and with the "nexus" requirement of Nollan and the fees versus taxes criteria outlined in cases such as Russ Building Partnership.

Thank you for your consideration of our comments. Should you have any questions, please don't hesitate to call me. We look forward to working with you toward the improvement of air quality in the Bay Area.

Sincerely,

A handwritten signature in dark ink, appearing to read "K.R. Fletcher", with a stylized flourish at the end.

Kassandra R. Fletcher  
Environmental Affairs Director

**Response to Comment  
Letter C22**

RESPONSE C22-1

Please refer to Response C3-7.

RESPONSE C22-P

See Section 1.2 regarding comments on the CAP.







LEAGUE OF  
WOMEN VOTERS  
OF THE BAY AREA

An Inter League Organization of the San Francisco Bay Area

LETTER C23

July 24, 1991

Chairman Paul Cooper and Members of the Board  
Bay Area Air Quality Management District  
936 Ellis Street  
San Francisco, California

Dear Chairman Cooper and Members of the Board,

C23-P

The League of Women Voters of the Bay Area has followed the progress of the three co-lead agencies in preparing the draft '91 Clean Air Plan. We applaud your completing the draft Plan in a timely fashion and not being daunted by technical uncertainties and the tight scheduling that was necessary.

We are concerned that the public should gain from the Plan an understanding of the health issues involved, the costs and benefits of attaining clean air, the magnitude of the undertaking of implementing the Plan and the degree of commitment needed of everyone. Our comments, summarized here, aim at improving the clarity of the Plan's message.

- The CAP should review the adverse health effects of ozone and carbon monoxide.
- The public needs a clear and direct message as to the measures necessary to clean up the air and what will be expected of the public. The public needs to know the schedule dates and responsible agencies.
- The CAP should address how the coordination of the activities of the agencies and jurisdictions who will implement the Plan will be accomplished.
- The Indirect Source Control Measure should be understandable and enforceable, not be limited to a single approach and be begun immediately.
- Implementation of the Phase 1 Transportation Control Measures and Parking Management should be begun immediately. Additional reasonably available TCM's should be developed to involve more of the driving public.

We regret that the Environmental Impact Report on the Plan was not released in a timely way, so that our comments at the hearings cannot be enlightened by that document.

The League of Women Voter of the Bay Area comments on the draft BAY AREA '91 CLEAN AIR PLAN (CAP): Implementing All "Feasible" Controls:

1. Adverse Health Effects of Ozone and Carbon Monoxide. The '91 CAP should review the adverse health effect of ozone and carbon monoxide to remind the public of the reasons for attaining the state air quality standards. Of local interest is the Santa Clara study, prepared for the Environmental Protection Agency as part of the Santa Clara Valley Integrated Environmental Management Project, in which a correlation was found between ozone exceedances and emergency room admissions and days missed from work, that is, between high ozone levels and sickness and disability.

Also, recent research findings should be reviewed. For example, scientists at the University of Southern California found, in autopsies, that the lungs of young nonsmokers between the ages of 14 and 25 who had died in accidents or homicides showed signs of permanent damage characteristic of ozone exposure. Three-fourths had changes in the lung tissue itself, and nearly all had chronic bronchitis. At the University of California at Los Angeles, long-term studies of two groups of nonsmokers, one living in an area with high levels of air pollution and the other breathing relatively clean air, showed that exposure to air pollution increased the incidence of chronic lung disease and accelerated its rate of development. These two studies show that the health effects of air pollution may not be temporary dysfunctions from which one recovers when the air clears up, but may lead to permanent injury.

2. Problems of Public Perception. The public needs a clear and direct message from the CAP as to the measures necessary to attain clean, healthful air and what will be expected of the various segments of the public to implement the CAP.

The CAP needs to state clearly that its goal is, ultimately, the protection of the public health from the adverse effects of ozone and carbon monoxide. The CAP intends to accomplish this goal by attaining the state air quality standards.

The CAP is a plan for ozone and carbon monoxide, and the title or a subtitle should so state. Those looking for measures to reduce air toxics, for example, will not find them here. Conversely, those who take the title of the draft CAP literally should not have to deal with the surprise of finding that there are also plans and programs to address other air pollutants.

The public may be confused by conflicting and inappropriate messages given out by the draft CAP. For instance, the public learns that the air will continue to get cleaner with present controls, yet with the new CAP we will not attain the state standards by 1997 and will not be able to show a five percent annual reduction in ozone precursors. The progress that has been made in cleaning up the air should be better fitted into the context of what still must be done. The pathway into the CAP



needs to be more direct. The message that an extensive commitment will be required of everyone must not be blunted.

The public needs to get from the CAP a better understanding of the public's responsibility in the quest for clean air. Some segments of the public, such as commuters, are singled out, but most receive no clear message from the draft CAP as to what they are to do.

The word "feasible" as it is used raises more questions than it resolves. It needs defining. Perhaps different language should be used to describe the controls in the draft CAP, if "feasible" poses problems, with reasons given for the need for the change in terminology.

An implementation schedule containing dates and responsible agencies should be included. A member of the employer segment of the public, for example, would be greatly helped if he knew the date by which Employer Based Trip Reduction measures were to be in place and the agency or jurisdiction responsible for enforcement.

The economic benefits of clean air and the cost of air pollution are not estimated, yet the cost of controls are specified. Equally valid information is available for both costs and benefits. The public needs to know who pays what, who benefits and what the trade-offs are.

3. Coordination Among Agencies. Implementing the CAP will require coordinating the activities of many agencies and jurisdictions. The CAP should address how this is to be accomplished.

4. Indirect Sources. Indirect source control is not a transportation control measure and should not be included in the TCM portion of the CAP.

The indirect source control measure should include understandable and usable criteria; it should not be permissive. It should assign responsibility for the areas of impact which are broader than the areas of control. The Air District is not limited to using a single approach. Until its preferred program is in place, the District could accelerate its involvement in the CEQA process, which it could do immediately.

5. Transportation Control Measures. The implementation of the TCM's for which funding and authority exists, those in Phase 1 and parking management, should be begun immediately. Phase 1 TCM's should not be limited to those termed feasible by the Air Resources Board. Additional, immediately available TCM's could be developed which would affect the casual or off-peak-hour driver. For example, ridesharing programs could be developed for schools which do not have busing. Jitney service between shopping centers and residential and employment centers which are not served by public transit could be promoted. The activities of as many segments as possible of the driving public should be brought under the TCM's.

↑  
Implementing the Transportation Control Measures portion of the Plan cannot rely upon volunteerism. Isn't this an appropriate time for a Joint Powers Agreement between the Air District and the Metropolitan Transportation Commission to implement the TCM's and to coordinate the TCM's with the Congestion Management Programs of the Bay Area's cities and counties?

We appreciate the opportunity to present these comments for your consideration.

Yours very truly,

*Adelia Sabiston*

Adelia Sabiston  
LWVC Air Quality Director

*Jan Bergen*

Jan Bergen  
LWVBA Vice-President-Action

**Response to Comment  
Letter C23**

RESPONSE C23-P	See Section 1.2 regarding comments on the CAP.
RESPONSE C23-S1	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE C23-P	See Section 1.2 regarding comments on the CAP.

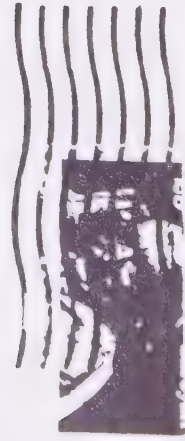




LETTER D1



Michael J. Vandeman  
3026 Bateman St  
Berkeley CA 94705



BAAD MD

Henry Hilken

939 Elsie St

San Francisco, CA 94109

Please add these to my clean  
air plan/comments.  
DEIR

3025 Bateman Street  
Berkeley, California 94705-2507  
April 20, 1991

Bill Curtiss  
Sierra Club Legal Defense Fund  
2044 Fillmore Street  
San Francisco, California 94115

Re: MTC's Conformity Assessment Procedures -- The Pseudo-science of  
Transportation Modelling

Dear Bill:

D1-P

First my qualifications to make these judgments: I have a B.A. Magna cum Laude from the University of California in mathematics, With Special Distinction in Mathematics. As a Junior at U.C. Berkeley, I ranked 37 1/2th out of 1300 college math students in the nation in the annual mathematics contest sponsored by the Mathematical Association of America. I have an M.A. in mathematics (including study in statistics) from Harvard University. And my Ph.D. from the University of California at Los Angeles is in psychology, concentrating in psychometrics. Psychometrics is the science of the measurement of human behavior and traits, and forms the scientific basis upon which transportation modelling and all other forms of human measurement rest. I taught measurement theory -- specifically, reliability and validity -- at California State University, San Francisco. I have been a computer programmer for 29 years. I taught computer science for U.C. Berkeley Extension. In other words, I am an expert in mathematics, statistics, scientific method, measurement science (including modeling), and computer science.

Modeling is really a very simple process, when the modeler is not trying to make it mysterious. A scientific principle is expressed in the form of a mathematical formula. Then data are substituted for the variables in the formula, allowing a result to be computed (e.g. emissions of CO, from vehicle type, speed, temperature, etc.). When the formula is in dispute, statistics must be used to determine if it does what its users want it to do. The relevant factors are reliability (giving repeatable results) and validity (measuring what it is supposed to be measuring). Both are measured using correlations, and only qualify the model to be utilized in situations similar to those in which it was validated, if at all. For example, an intelligence test that was validated only on white, middle class Americans could be expected to give meaningful results only when used with such subjects.

If every measure must be validated by comparing it with "the real thing", one might ask why measures and models are used at all -- why not just use the "real thing"? The answer is simply practicality: the test is relatively quick and easy to administer, whereas rigorous scientific research is very slow and expensive. A yardstick is available in any hardware store, but a highly accurate scientific instrument is unwieldy and extremely expensive. However, one must never forget that the reliability and validity of the measure or model is strictly limited; a judgment of reliability and validity doesn't confer any magical ability to predict accurately



in all situations, nor any special consonance of the formula used with the forces that guide the universe!

Even in physics, the "hardest" of the sciences, reliability and validity are limited. Newtonian physics may be adequate to predict events on Earth, but fails utterly when applied to the behavior of the stars or the nucleus of the atom. There, the more accurate formulas of Einstein's Relativity must be used. When we come to predicting human behavior, both reliability and validity tend to be so low that accurate predictions are impossible. In other words, the probability that your conclusion is correct would be very close to 0.5. It could not be relied upon. And where the stakes are as high as they are with highway construction (air pollution and massive environmental destruction on one hand, loss of millions of dollars of federal and state subsidies on the other), transportation models are far too unreliable a tool.

MTC and its consultants violate all of the rules of measurement science in attempting to predict emissions changes due to highway expansion. The documentation for both MTCFCAST and STEP reveals no evidence that reliability was ever measured. It makes vague, non-quantified claims of validity, but shows no evidence that the concept of validity was even understood. After running the model, the results were compared with one set of data. Then in a process they called "calibration", they modified the coefficients of the formula to make the model conform to that set of data. They imply that this process makes the model valid. Actually, all that it does is to make the formula "predict" one set of data. If it were to be applied to another set of data, or if a different factor were to be "predicted" using it, even if it were applied to a similar set of data, there is absolutely no guarantee that it would continue to predict accurately. In other words, this process does not result in a valid model. It merely conforms the data to the model. As an analogy, it is as if MTC had a ruler made of putty, and stretched or shrank it in different situations to make it register in a way convenient to the situation. If the formula is wrong, changing its coefficients won't help. An entirely different formula may be required!

All of the models use a standard formula that they call a "logit model equation". An example is  $P(q,i-j) = \exp(U_j) / \text{SUM}(\exp(U_k))$  ( $k=1$  to  $j$ ). Here "exp" means  $e$  raised to a certain power, where  $e$  is the base of the natural logarithms. Out of the billions of possible formulas that could be used in the model, there is absolutely nothing special about this one, that qualifies it to be used in transportation modeling! The probability that it is the best formula to use is practically zero. The fact that it has been used by others has nothing whatever to do with whether it is valid.

In short, it is extremely unlikely that MTC's models have sufficient validity even to predict in situations similar to ones used in the past. And even if they had some reliability and validity in such situations, the probability that the models would continue to work in new situations (e.g. the collapse of a segment of a freeway, or the expansion of a freeway not studied before) is vanishingly small. Stated more simply, "Garbage In -- Garbage Out"

(GIGO). Saying that they are "state of the art" with regard to transportation and air quality modeling merely compares garbage with garbage. Transportation modelers are not known for their impartiality, nor for their sophistication with regard to statistics or measurement science.

So how, then, are we to predict the effects of freeway expansion, if all current models are worthless? We have to fall back on basic scientific research, which is not easy or cheap, but which is the only way we have of reliably answering such questions. Agencies or researchers that receive funding for supporting the building of freeways have little motivation to develop accurate models, when they have models that give them the conclusions that they wish (basically, an extension of the status quo). They have even less interest in funding or conducting honest, unbiased research on this question. It can only be accomplished by scientists who have not been "bought" by highway interests.

On the other hand, why do any research? Isn't it obvious that expanding highways can only encourage people to drive more, and hence worsen air quality? And if, as required by the greenhouse effect, we must decrease traffic by 50% below current levels, isn't it obvious that we won't need all that extra pavement? Out of the mouths of babes...

Sincerely,

*Michael J. Vandeman*

Michael J. Vandeman, Ph.D.

Example: (exaggerated, to make a point)

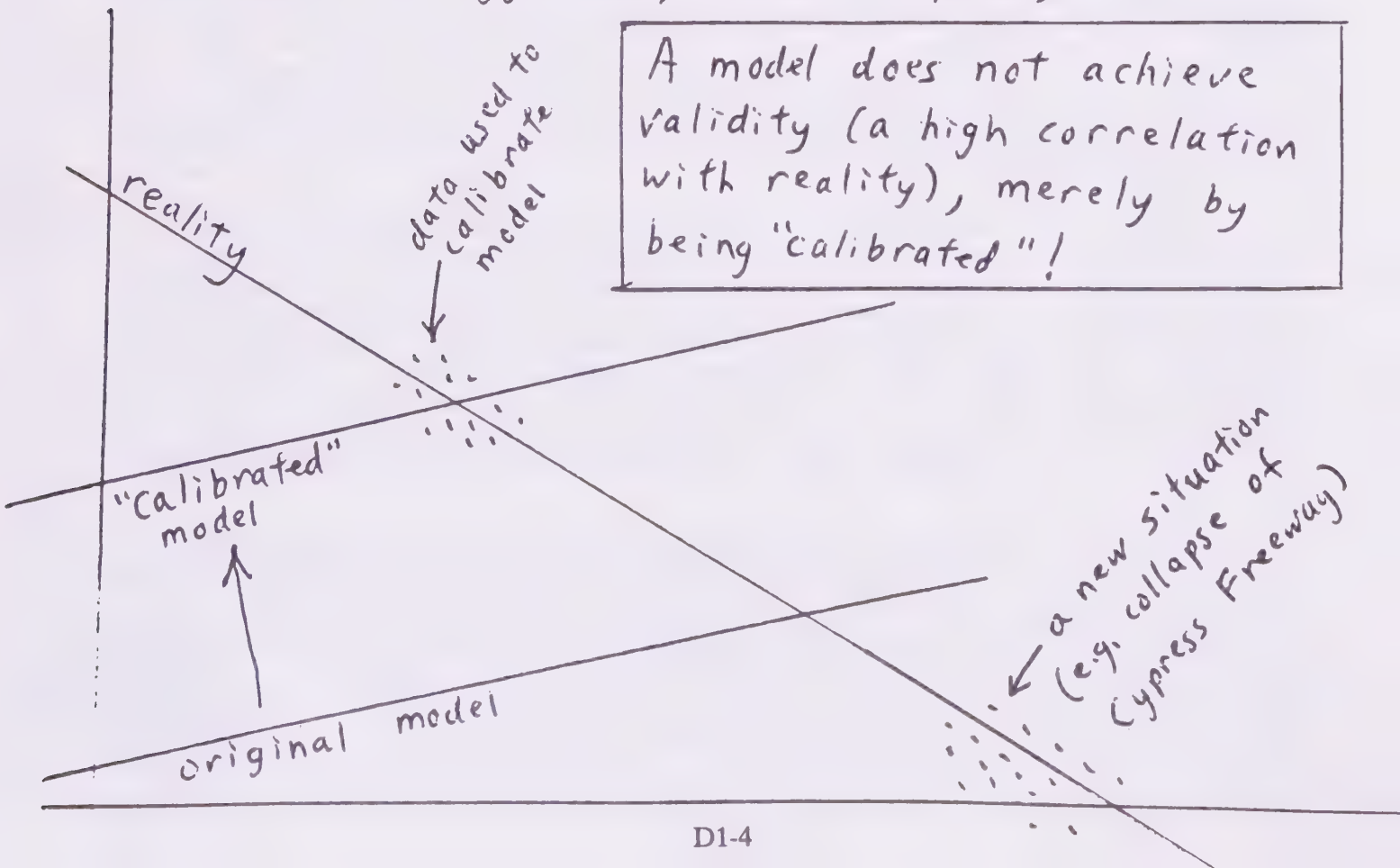
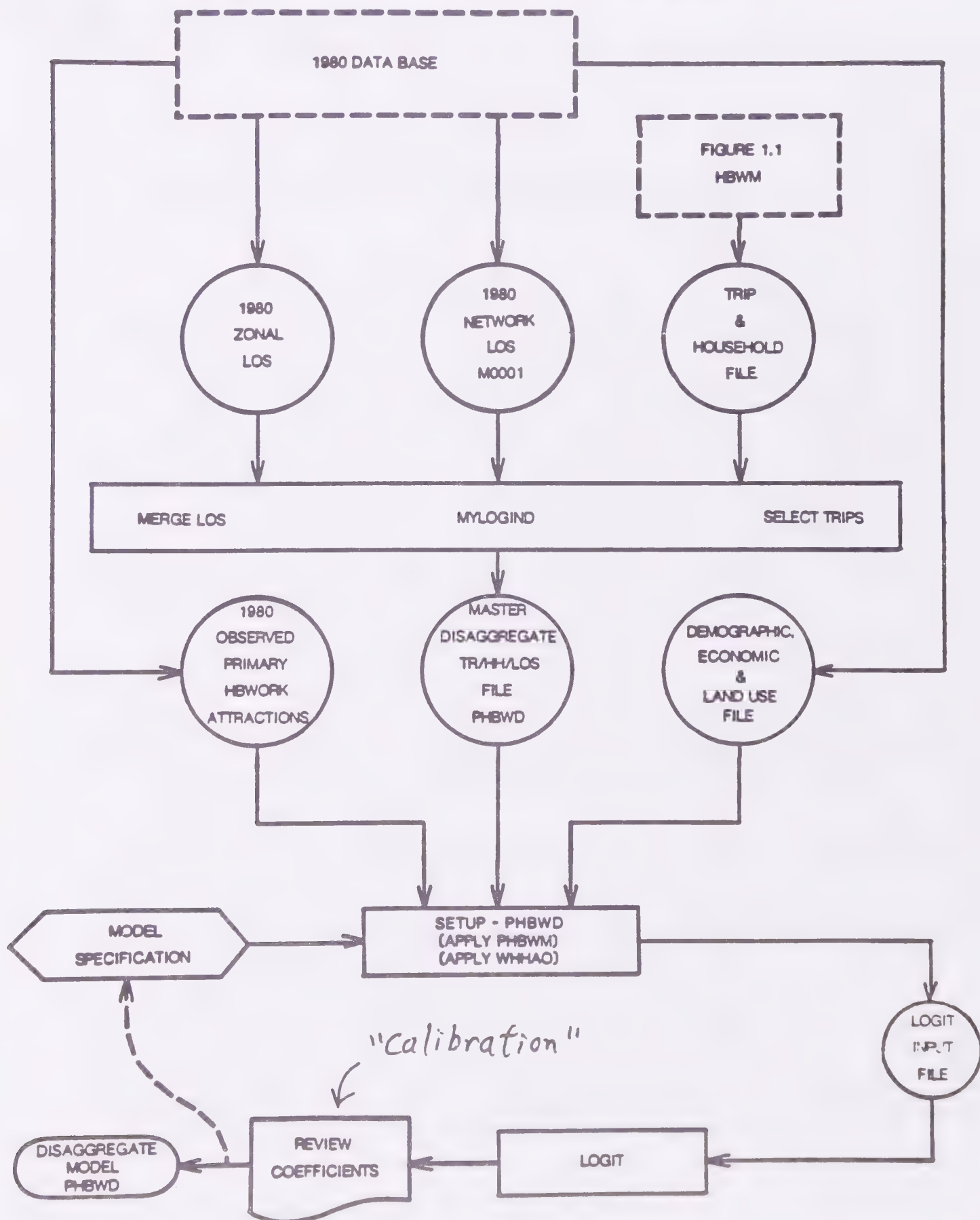


FIGURE 5.1 PRIMARY WORKER HOME BASED WORK DISTRIBUTION MODEL  
FILE PREPARATION AND DISAGGREGATE ESTIMATION PROCESS





## APPENDIX 6.0

### SECONDARY HOME BASED WORK DISTRIBUTION MODEL

(SHBWD)

#### DISAGGREGATE LOGIT MODEL EQUATIONS

$$P(Q, I-J) = e^{\frac{U_J}{\sum_{k=1}^J e^{U_k}}} \text{ where:}$$

$P(Q, I-J)$  = The probability of secondary worker Q living in zone I and choosing to work in zone J.

$e^{\frac{U_J}{\sum_{k=1}^J e^{U_k}}}$  = The exponential of the utility derived by worker Q from choosing zone J as the zone work.

$$\sum_{k=1}^J e^{U_k} = (e^{U_1} + e^{U_2} + \dots + e^{U_k} + \dots + e^{U_J})$$

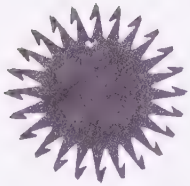
= The sum over all attraction zones of the exponential of the utilities derived from choosing each attraction zone as a work location by secondary worker Q.

$$U(Q, I-J) = B(1) * \ln [SHBWA(J)] + B(2) * SHBWM(L(Q, I-J)) + B(3) * \ln (DISTANCE I-J)$$

Where:  $U(Q, I-J)$  = The utility derived from choosing work zone J by secondary worker Q living in zone I. This utility is a linear function of secondary attractions to J and the accessibility from I to J.

$\ln [SHBWA(J)]$  = The natural logarithm of the "observed" secondary worker HB work person trip attractions to J. This is the aggregate zonal attractions derived from the 1980 Census UTPP (Version of 7/6/1984) and 1981 Survey data. This variable depends on zone size and, therefore, its coefficient is constrained to 1.0. Zonal attractions are used if zone of work is within superdistrict of residence. Otherwise, superdistrict attractions are used for both the chosen and the available alternatives. This process is used only in estimating the models. In aggregate forecasting all zones are eligible as attractions.

$\ln (DISTANCE I-J)$  = The natural logarithm of the highway distance (in miles) between zone of residence I and zone of work J.



SOLAR  
ELECTRIC

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Santa Rosa  
California 95401  
707-542-1990  
FAX: 707-542-4358

FOR RELEASE

CONTACT: ALEX CAMPBELL  
DIR. OF COMMUNICATION  
(707) 542-1990

Hydrogen Fuel Cell Breakthrough  
Sparks Electric Car Industry

SANTA ROSA, CA (July 8, 1991) — Solar Electric Engineering, Inc. of Santa Rosa, California, the nation's largest electric vehicle manufacturer, recently signed an agreement with Energy Innovations of Independence, Missouri to outfit its line of electric vehicles with a breakthrough hydrogen fuel cell.

Dr. Roger E. Billings, who invented the cell at the American Academy of Science, stated that the entire system is only about the size of a television. The fuel cell will take up far less space and allow a much greater range than the batteries currently being used in the Solar Electric vehicles.

"What we're looking at is technology that has the potential to increase the range of our electric vehicles from 55 miles to 300 miles, yet the only air pollution will be water vapor," said Gary Starr, Chief Executive Officer of Solar Electric. Solar Electric has been marketing electric vehicles for the past 8 years. One of Solar Electric's vehicles, the Destiny 2000, can be seen in Paramount's motion picture, *Naked Gun 2 1/2*.

Dr. Billings has been striving to perfect hydrogen energy for the past 25 years. Now, all his hard work seems to have paid off.

"It has taken a lot longer than any of us ever dreamed," said Billings, "but the end product far exceeds our most ambitious expectations."

For a catalog on electric vehicles or a video tape demonstrating electric cars, write to Solar Electric Engineering, Inc., 116 Fourth Street, Santa Rosa, CA 95401; or call 1-800-832-1986.

Solar Electric Engineering, Inc. is a publicly owned corporation whose stock is traded over-the-counter.

# NO SWEAT



A Global Warming  
Citizen Action Group

P.O. Box 10346 • Olympia, WA 98502 • (206) 352-9351

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## THE OZONE LAYER NEEDS YOUR HELP!!!

The urgency of stopping the release of ozone-depleting chlorofluorocarbons (CFCs) cannot be overstated. Four to five percent of the ozone layer over the United States has already been destroyed. And even with the unprecedented international agreement to phase-out CFC production, peak depletion levels are not expected until the year 2015. With the ozone layer there is no second chance: not for us, not for our children or grandchildren, or even their grandchildren. We must do everything in our power to halt further releases of CFCs now!!

**THE CRISIS:** Ozone molecules in the stratosphere form a protective layer that shields life on Earth from ultraviolet-B (UV-B) light, some of the most biologically-damaging radiation that the Sun emits. The ozone is being broken down by reactions catalyzed by chlorine, which reaches the stratosphere mainly within CFC gases that we release. The most recent observations show twice the ozone depletion previously suspected, and show depletion not only in winter, as in previous studies, but spring as well, when plants are growing and people go outside.

**THE EFFECTS:** Depletion of the ozone layer is not a nice thing to contemplate. The EPA predicts the increased rate of thinning will bring 12 million extra **skin cancer** cases to the U.S. in the next 50 years, 200,000 of which will be fatal. Exposure to UV-B is the leading cause of **cataracts**, which is the third leading cause of blindness in the U.S. Every 1% of the ozone layer lost will cause 100,000 people to go blind, according to the United Nations. **Infectious disease** can be expected to occur on a broader scale with more severity because exposure to UV-B compromises the effectiveness of our immune systems, and of vaccinations against disease. Oceanic phytoplankton are very vulnerable to increased UV-B and a decline in their population will intensify the **greenhouse effect** by reducing the uptake of carbon dioxide by the ocean. Increased UV-B jeopardizes **the marine food web** by damaging phytoplankton, the base of the food chain, as well as juvenile fish, crab, and shrimp. It is also expected to affect germination and flowering rates of plants on land, harming **ecosystems** and causing **crop yields** to drop.

**THE CULPRIT:** The ozone-depleting chemicals can be found in household and commercial refrigerators and air-conditioners, fire extinguishers, solvents used for cleaning electronics, auto air-conditioners, and foam products such as "styrofoam" building insulation and flexible foam furniture cushions.



**THE LEGACY:** Most of the CFCs are believed to survive in the stratosphere and continue eating ozone for several decades. The ozone layer can gradually replenish itself, but it will take a century or more for it to do so.

**DAMAGE CONTROL:** Bold action is needed immediately to protect ourselves, future generations, and ecosystems on land and in the ocean from a global threat to life on a scale never before faced by humanity. Without delay, we need:

- 1) Public acknowledge of ozone layer depletion as a global health emergency;
- 2) A ban on all sales of non-recycled CFCs;
- 3) To require facilities servicing or disposing of CFC-bearing products to capture and recycle the CFCs;
- 4) To commit significant public resources to facilitating capture and recycling of CFCs;
- 5) To make the long-term commitment to halt the buildup of greenhouse gases in the atmosphere, which not only threatens to destabilize global climate, but aggravates ozone depletion by trapping heat near the Earth that would otherwise warm the stratosphere. The ozone depletion reaction begins with the formation of stratospheric ice crystals, and the cooling of the stratosphere caused by the greenhouse gas buildup will lead to more such ice crystals.

## **WHAT YOU CAN DO!!!**

Write to any of the following. Let us know who you write to, send us copies of their responses.

**American Cancer Society - Wash.**  
2120 -1st Avenue N.  
Seattle, WA 98109  
--what actions to prevent ozone depletion and thus skin cancers?

**WA State Health Department**  
Mimi Fields, Health Officer  
1112 Quince Street  
Olympia, WA 98504  
--recognize and respond to ozone loss?

**American Academy of Opthamologists**  
655 Beach Street  
San Francisco, CA 94109  
--what actions to prevent ozone depletion and thus cataracts?

**WA State Dept. of Agriculture**  
C. Alan Pettibone, Director  
406 General Administration Building  
Olympia, WA 98504  
--tell farmers of ozone threat to crops?

**Rep. Clyde Ballard, House Minority Leader**  
**Rep. Brian Ebersole, House Majority Leader**  
**Sen. Jeannette Hayner, Sen. Majority Leader**  
**Sen. Marc Gaspard, Senate Minority Leader**  
**or your district's representatives**  
Legislative Building  
Olympia, WA 98504

**Hon. Booth Gardner**  
Office of the Governor  
Legislative Building, AF-13  
Olympia, WA 98504

--please take immediate action on steps listed above!

**Join No Sweat's CFC Crusade! Your ideas and energy are not only welcome but vitally needed!! We meet on the first Thursday and third Monday of each month at 7:00pm at SPEECH. Call 352-4932 (Rhys) or 352-9351 (Gita, message phone) for more details.**

**Response to Comment  
Letter D1**

**RESPONSE D1-P**                      See Section 1.2 regarding comments on the CAP.

The attachments provided with the comments do not address the environmental analysis and thus are beyond the scope of this EIR.

3025 Bateman Street  
Berkeley, California 94705-2507  
July 14, 1991

Bay Area Air Quality Management District  
Attn: Mr. Henry Hilken, Planner  
939 Ellis Street  
San Francisco, CA 94109

Re: Addendum to, and Draft EIR for, the Draft Bay Area '91 Clean  
Air Plan

Gentlepersons:

ADDENDUM

I am continually amazed at the audacity of our so-called "public servants", as they search out ever new ways to lie to their constituents, and pretend to be doing their job. Your "emission reduction & cost effectiveness estimates for TCMs" are pure fantasy, and were obviously calculated to justify your pre-existing, politically motivated highway- and development plans for the region.

You assert that improving bicycle access and facilities is 108% more expensive (less effective) than constructing HOV lanes! This is absurd, since bicycle facilities cost almost nothing compared to highway expansion, and are far more effective in reducing emissions. In fact, there is actually no evidence that highway expansion (HOV or non-HOV) has any air quality benefit. The emission reductions attributed to highway expansion were calculated by a computer model (claimed, in the DEIR, to be beyond state-of-the-art" (p.4.2-17)) that is no better than snake oil. It is neither reliable nor valid, nor do its authors even understand what reliability and validity are! (This is true for all transportation modelers, as far as I can tell.)

Any measuring (or predicting) instrument must have its reliability and validity measured, before its users can claim any value for its outputs. Reliability and validity for the MTC models have never been measured! If they were, it would be obvious just how worthless they are. I asked modeler Chuck Purvis of MTC if his "calibration" process proved the model's validity. He said "yes", indicating that he has no idea what validity is. I also asked him to recommend some textbooks on transportation modeling. The authors of the textbooks also lacked an understanding of these most basic concepts of measurement science. It is understandable for someone whose entire profession rests on the use of these models would be reluctant to question them, however, that is the only intellectually, scientifically honest thing to do. (Laymen, not burdened with this technical knowledge, can simply take one look at those numbers and see that they are obviously bogus!)

Similarly, the claim that improved access to rail stations is 18% more expensive (less effective) than highway expansion is obviously wrong. One reason for these bogus results is the claim that freeway expansion provides a large travel time benefit, and

D2-P

D2-1

D2-P



that this benefit is worth \$5 per hour. Studies by Newman and Kenworthy have shown that the provision of more road space actually results in people simply travelling farther, and actually ending up spending more time on the road. In any case, no time benefit is ever really achieved.

Likewise, the \$5 is questionable: first of all, all time spent driving a car is lost time. Very little that is of any value can be accomplished while driving. Even the use of a cellular phone is very expensive. On the other hand, transit users can read, write, relax, or even sleep. Even if the elapsed time to their destination is longer, transit users actually save time, by having almost 100% use of their commute period. (E.g., I read EIRs while riding BART, which no driver can do!) Thus, it is clear that drivers really don't value their time. Truthfully, if there is any benefit to driving, it is the unmeasurable one of "privacy".

Hiding the cost-effectiveness of TCMs 21 and 22, by applying their revenues to some unnamed "transportation improvements", is also dishonest. They are TCMs in their own right (unless the revenues are used to fund harmful projects like expanded highways), and deserve to be rated just like the others. You apparently don't want the public to know just how very cost effective they are -- especially in comparison to highway expansion! A revenue measure that simultaneously reduces trips and VMT would far outshine all of your pork barrel "transportation investments" ("highway expansion" is never spoken by bureaucrats -- only euphemisms).

D2-2

#### DEIR

The DEIR is an extremely superficial analysis. It doesn't identify all potential significant impacts, nor does it correctly analyze those that it does identify. It takes MTC's analyses as gospel, without questioning any of them. It seems to have been written by people who are addicted to the automobile, and is frequently biased toward highway construction and against transit.

D2-3

(For example, on p.2-29, no long-term noise impacts are identified for highway expansion (TCM 8), however, high density at transit stations is predicted to cause noise problems. One wonders why the avoidance of auto trips (due to the dense, non-auto-oriented development) wouldn't cause a net decrease in noise. Similarly, highway construction (financed mostly through gas taxes) is alleged to be good for business (Impact 4.4-5, p.4.4-12), whereas the gas taxes themselves are claimed to be bad for business (Impact 4.4-11, p.4.4-15)! It is claimed (by MTC) that highway construction doesn't cause population growth, but merely moves it around. However, you claim that density around transit stations would "increase the population" (Impact 4.4-10, p.4.4-15).)

D2-4

D2-5

The most serious defect of the DEIR is that you misrepresent the evidence on highway expansion and its effects on air quality, and hence don't consider the feasible alternative of halting highway construction. Thus, you falsely claim on p.3-21 that "a practical strategy for achieving a 75 percent reduction in ozone precursors cannot be achieved by 1997". Since, as you admit, you "must adopt all 'feasible' control measures", you have no excuse

for not adopting the halting of highway construction as one of the feasible measures. Actually, the whole CAP seems to be designed with builtin loopholes that prevent any real reduction in auto dependence. Practically every single so-called "TCM" has a negative side that actually works to sustain auto dependence:

TCM 2: Prop. 111 requires a Trip Reduction Ordinance, but it is usually used as a way of getting more highway construction money, thus nullifying any positive effect it might have.

TCM 4: Some of the new rail starts (e.g. West Pittsburg, Dublin, and Guadalupe Light Rail) are intimately tied to highway construction that competes with the rail line for riders.

TCM 5: "Access to Rail Systems" is mostly a euphemism for "more parking". This serves to maintain auto dependence and wastes scarce transit dollars that would be better spent providing bus access to the rail stations.

TCM 7: I have never seen any evidence presented that ferries actually reduce emissions. This TCM should be given a better analysis. In any case, a ferry is needed from the East Bay to Marin, for bicyclists.

TCM 8: There is plenty of scientific evidence indicating that highway expansion worsens air quality, but MTC has never been able to point to any that says it can improve air quality (except for its dubious computer modeling, which does not constitute evidence). This measure is simply not a TCM, and doesn't deserve to be part of a Clean Air Plan. (HOV lanes created from existing lanes, however, would be acceptable.)

TCM 9: Bicycle access should be provided by means of highway, not transit, funds. Use of transit funds would be counterproductive.

TCM 11: TDS is mostly a waste of money on ideas of unproven value (e.g. the sign on the Bay Bridge that tells you there is an accident ahead: are you supposed to turn around?!). It also increases our investment in the automobile, when we should be putting our money into something more cost-effective: public transit. The one exception is ramp metering, which could eliminate the need to widen freeways, by simply not allowing them to fill beyond their capacity.

TCM 12: Signal timing benefits only drivers, making it easier to drive. This money would be better spent promoting cleaner modes of transportation, by giving pedestrians, bikers, and buses the ability to override traffic signals. The research "proving" air quality benefits for signal timing was biased: it considered only the effects on automobile drivers, and did not investigate the possibility of its increasing trips and VMT by making it easier to drive.

TCM 13: Reducing transit fares is an excellent TCM, if it doesn't entail reduced service. As mentioned in the DEIR, it is



especially good for balancing the equity of measures that make it more expensive to drive.

TCM 15: Paying people to drive, even in a carpool, is in the long run a bad idea. The automobile is fast becoming obsolete. Our money is more wisely spent on public transit, which benefits far more people, more efficiently.

TCM 16: Highways are indirect sources, and should be included in this TCM (which counteracts TCM 8).

TCM 17: Education is very important, but the Bay Area agencies are notorious for obfuscating and distorting the truth, and should not be entrusted with this task.

TCM 18: This TCM is contradicted by TCM 5's emphasis on building parking around rail stations. Uses around freeway-median rail stations should be very carefully considered: it is very dangerous to one's health to spend much time next to a freeway, so meeting/conference centers and other short-term uses are more appropriate than housing. High-speed rail stations should be fed by buses, giving them more patrons than if we simply try to crowd housing around them.

TCMs 21 & 22: These are excellent TCMs, unless the revenues are used to build more auto facilities, such as bridges and freeways, in which case they will be counterproductive. "Congestion pricing", besides being expensive to implement and administer, sends the wrong message: auto trips are bad all the time, not just when they cause congestion!

D2-6

D2-7

The DEIR seems to ignore ships and airplanes as mobile sources. This is an important oversight, since there is a great deal of pressure to expand the use of these unclean modes of transport. It also ignores the growth-inducing effects of highway expansion and its long-term negative effect on air quality. We know that in the long run, any new highway lanes simply fill up, causing a few lanes of congestion to be replaced with several. These are also significant irreversible effects, as is the paving over of valuable farmlands.

D2-8

The air quality analysis is superficial and very flawed. As I indicated above, many of the TCMs will have negative effects on air quality. In addition, the issue of global warming is all but ignored (since the DEIR refuses to face any of the long term negative effects of highway construction).

D2-9

Nobody, even Caltrans, claims long-term benefits from highway expansion. Everyone admits that they cannot relieve congestion except for a moment. The DEIR, however, does claim that benefit (p.2-12)!

D2-10

On the same page, you note increased congestion around rail stations. However, your mitigation measures are all oriented toward benefitting the automobile. You seem completely unaware that it is possible (and desirable!) to access stations by bus, bicycle, or other clean mode!



D2-11

Claims of energy savings are exaggerated. As the work of Newman and Kenworthy has shown, highway expansion (and other means of speeding up traffic that don't restrict its volume) actually increases per capita fuel consumption.

D2-12

One of the most serious failings of the DEIR is that it claims that effects on wildlife can be mitigated to insignificance. If this were true, species would not be endangered in the Bay Area (and many already extinct here)! This is happening because such mitigation is either not possible, or rarely carried out. I would guess the former: what we think is "insignificant" or an adequate "mitigation" is obviously not so regarded by the species affected. Added lanes on highways are not insignificant. Speeds are increased, and the probability of safely crossing is drastically reduced. Humans understand freeways, and still are often killed trying to cross them. Animals have an even harder time. And there is no recognition in the DEIR that the mere presence of a road can present enough of a barrier to a species that it will refuse to cross it, and become extinct due to inadequate genetic diversity.

D2-13

The noise analysis (Impact 4.11-5), claiming decreased auto VMT and no significant noise impact from TCM B, is just wrong. Highway expansion increases VMT, and significantly increases noise (probably in proportion to the number of lanes added). In Santa Clara, the experience with HOV construction was that it actually decreased the proportion of people in HOVs (because the removal of the HOVs from the mixed flow lanes made it easier to drive SOVs).

D2-14

In summary, the DEIR fails in its mission of providing "a document that is meaningful and useful to decision-makers and the public" (p.1-1) and "a sufficient level of detail to permit full assessment of significant environmental impacts by reviewing agencies and members of the public" (p.1-4). It is dishonest, and biased toward maintaining the status quo.

Sincerely,



Michael J. Vandeman, Ph.D.

for the Modern Transit Society  
of San Jose

**Response to Comment  
Letter D2**

**RESPONSE D2-P**

See Section 1.2 regarding comments on the CAP.

**RESPONSE D2-1**

The transportation model used in the analysis of the CAP TCMs was a modified version of the model typically used by MTC to conduct regional analysis of transportation control measures on the traffic in the Bay Area. These models are currently the best tools to evaluate changes in traffic resulting from the implementation of specific transportation control measures.

The reliability and validity of transportation planning models is determined by comparing their estimates of existing traffic volumes against actual traffic counts. In the transportation field, there is not the luxury of modifying the experimental conditions as might be possible in a physics lab to test the validity and reliability of measuring instruments. Society would not tolerate temporary raising of gas prices, closure of roads, or shifting of work locations for the sole purpose of testing the validity of models. We can only keep checking the model results against past experience and perform reasonableness checks to ensure the continuing utility of the model.

**RESPONSE D2-P**

See Section 1.2 regarding comments on the CAP.

**RESPONSE D2-2**

The broad scope of the CAP did not allow for an in depth analysis. As stated in the CEQA Guidelines (Section 15146):

The degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR.

The District is unable to respond to the comment regarding the analysis of impacts because this comment does not specifically identify which impact analysis is incorrect.

**RESPONSE D2-3**

The noise impacts from the implementation of TCMs in the CAP are dependent on a number of different variables. While the reduction in the volume of automobile traffic in itself would result in a reduction in noise from this source, other factors may cause an increase in the ambient noise level. Such factors which would tend to increase ambient noise levels are increases in vehicle speed and increased use of buses and trains. In addition, TCM 18 which would result in higher densities near transit stations would place people in closer proximity to noise sources and therefore their exposure would be greater. The DEIR, Chapter 4.11, has identified the interaction of these factors in determining the potential for noise impacts resulting from the implementation of TCMs in the CAP.

RESPONSE D2-4

Impact 4.4-5 discusses the benefits to business of mobility improvements, not highway construction per se. In fact, most of the improved road conditions resulting from the CAP are created by improved transit systems. The impact analysis discusses the fact that businesses most dependent on roadways would benefit from transit alternatives that would permit commuters, shoppers, and other travelers to avoid auto use. The fact that associated revenue programs needed to pay for these improvements would have adverse economic impacts on business (as well as the general public) reflects the trade off involved with changing transportation patterns in the region. The DEIR and the Socioeconomic Report address the beneficial and adverse effects of the various components of the CAP. It remains a policy decision as to whether the benefits of clean air balance the costs of achieving it.

With regard to population growth, the policy to increase residential densities near transit stations would result in greater opportunity for housing development than is possible under current land use policies. The Bay Area generally needs additional housing sites in order meet its economic development potential. Impact 4.4-9 identifies this housing impact as a beneficial effects of the CAP.

RESPONSE D2-5

Among the TCMs identified in the comment as resulting in the construction of freeways, the CAP only acknowledges that TCM 8, "HOV Lanes", would result in additional freeway construction. The federal Clean Air Act requires that transportation facility capital improvement programs conform with MTC's Regional Transportation Plan (RTP). Prior to approving funding for a transportation improvement project, MTC must demonstrate that the project will not adversely affect air quality. In addition, the Congestion Management Programs should conform with the District's vehicle emissions air quality mitigation measures (see page 4.2-11). Based on the requirements for conformity with air quality planning in the Bay Area, all transportation projects proposed in the Bay Area would be required to show a net reduction in emissions of air pollutants.

RESPONSE D2-6

The DEIR only addressed TCMs proposed in the CAP. The District does not have regulatory authority over ship or aircraft emissions.

RESPONSE D2-7

MTC's Resolution 2270 (passed in compliance with the Federal Clean Air Act) already prohibits MTC from approving highway expansion projects that increase air pollution. The commentator may be interested to note that the trip inducing effects of reduced congestion have been included in the DEIR analysis and are shown in Table 4.2-8, page 4.2-29, for TCMs 11 and 12, which are highway



operations improvements. In addition, TCM 16, "Indirect Source Review", proposes to treat capacity increasing road and highway projects as indirect sources subject to rules adopted under this TCM.

RESPONSE D2-8

Regarding the supposition that the TCMs will have a negative effect on air quality, the reader is referred to Response D2-5.

The issue of global warming is addressed in the Setting section, on page 4.1-16. In regards to the CAP, global warming is addressed in Impact and Mitigation Measure 4.1-23. Indirectly, the emission reductions of carbon dioxide, a greenhouse gas, resulting from the implementation of the CAP are presented in Table 4.1-5.

RESPONSE D2-9

The DEIR makes no mention of long-term benefits from highway expansion on page 2-12. The long-term benefits of the CAP are summarized on page 2-8, and include enhanced productivity, improved air quality and public health and welfare.

RESPONSE D2-10

The Mitigation Measure at the bottom of page 2-12 identifies TCM 5 as a mitigation to increased traffic on local streets and highways serving transit stations and park and ride lots. The implementation of TCM 5, described on page 3-28, would result in increased feeder bus service, private shuttles and improved bicycle access to access transit facilities.

RESPONSE D2-11

The impacts of TCMs on vehicle speeds and energy are discussed in Chapter 4.7, e.g., Impact 4.7-2.

RESPONSE D2-12

Mitigation Measure 4.8-3, page 4.8-14, would be required to be complied with as addressed in the Mitigation Monitoring Plan prepared in conjunction with the environmental review of the CAP. Implementation of this mitigation measure would reduce this impact to a less than significant impact.

RESPONSE D2-13

Impact 4.11-5 discusses potential noise impacts from increases in bus VMT and decreases in auto VMT anticipated from the implementation of TCM 8.

RESPONSE D2-14

The comment is noted.

LETTER D3

JK  
HH ~~HH~~ ~~HH~~ ~~HH~~ Tom 8/9

1015 Channing Way  
Berkeley, CA 94710  
548-5294

July 31, 1991

RECEIVED  
AUG 2 1991

CLERK OF  
THE BOARDS

Board of Directors  
Bay Area Air Quality Management District  
939 Ellis Street  
San Francisco, CA 94109

These comments relate to the 1991 Draft Air Quality Plan and its associated Draft Environmental Impact Report (D.E.I.R.) and planned Socio-Economic Impact Report.

I believe that significant improvements in air quality can be obtained in a cost effective manner by making infrastructure improvements to relieve some of the dis-incentives that currently exist for bicyclists, and by creating incentives for bicycle use. To effectively plan for bicycle infrastructure improvements the dis-incentives must be acknowledged and addressed. A marketing program that advocates the concept of combined use of bicycles and mass transit as a viable transportation alternative should be considered and discussed in detail.

There is no apparent recognition in this D.E.I.R. to the current dis-incentives for potential transit patrons who attempt to take their bicycles with them on transit, or who want to park their bicycles at transit locations. These are some of the dis-incentives that I have encountered in attempting to use my bicycle and BART over the years:

Paying the \$30 per year advance rental fee (plus \$25 key deposit) for a bicycle locker at a BART station is a dis-incentive in itself for bicycle use compared with the free parking spaces BART provides for automobiles.

Even more of a dis-incentive is the requirement that the bicycle lockers are only available for long term advance rental, involving either a visit to BART headquarters or one or two mail transactions. Automobile parking at BART does not require advance reservations.

Yet another dis-incentive for bicycle locker use is BART's history of bicycle locker operations. Only in the last few years has BART semi-consistently maintained its bicycle lockers. I was discouraged from renting a bicycle locker from BART for years because the lockers at the Ashby Station were left vandalized, with the doors broken off for months at a time.

Earlier this year BART sealed all of its bicycle lockers for almost two months at all BART stations "... in the interest of combatting international terrorism." Despite having our names, addresses, phone numbers, and rental fees, BART perceived bicycle locker users as being more of a terrorist threat than those people who are allowed to anonymously park their automobiles in the free automobile parking spaces. The lockers were sealed before the letters announcing the closing of the lockers had a chance to be delivered. It took me well over an hour to get my bicycle

D3-P

out of its locker on the evening of January 18.

After the lockers were closed I wrote to BART and suggested some changes in locker operation that I hoped would alleviate their security concerns, which would then allow us to resume locker use. I suggested that if the lockers still couldn't be reopened that somewhat more secure bicycle parking could be provided by installing bike racks inside the paid areas of BART stations in view of the station agent's booth. The response I received indicated a basic misunderstanding of my suggestions, did not seem to distinguish between racks and lockers, and was not helpful in assisting me to park my bicycle.

I generally use a "U" shape type of bicycle lock that allows me to lock my bicycle frame and one wheel to a parking meter, sign post or some other unmovable "fixed object." I did not feel secure in locking my bike to a fixed object in the area outside of BART stations for a full day. On many different occasions over the last 15 years I have had the dis-incentive of returning to find my bicycle missing a wheel, seat, tire pump and/or other items stolen from it while it was locked up outside BART stations.

It's been my experience that if a bicycle locker is not available, then the bicycle should be locked to a fixed object. Bicycles not secured to a fixed object are vulnerable to being picked up and carried away by bicycle thieves. BART has bicycle parking fixtures that are not compatible with some of the better bicycle locks currently in use, and BART removes bicycles from some fixed objects to which bicyclists have locked their bicycles. In addition, bicycles secured to fixed objects are vulnerable to vandalism or the stripping of parts and accessory equipment. The derelict remains of such bicycles are often abandoned, serving as negative marketing in yet another dis-incentive for parking bicycles at mass transit locations.

BART has a policy of not charging for automobile parking. Since automobile parking structures having an initial cost of well over \$10,000 per space are proposed for several BART stations, that cost per space should be used as one potential benchmark for measuring the cost of attracting patrons to BART or other mass transit by bicycle use. Eliminating entirely the need for an automotive trip is more environmentally desirable than reducing the distance covered by an automobile trip. By having potential transit patrons get to transit by shifting from automobile mode to bicycle mode, significant air quality benefits could be obtained from reducing the number of "cold start-hot soak" short range automobile trips.

I suggest that the Air Quality District encourage or require transit agencies to establish bicycle parking policies along the general lines of this statement: "Any potential transit patron should be able to park a bicycle at any transit station safely, securely, out of the weather, and without being required to make advance arrangements to park that bicycle." It should also be recognized that many bicyclists would find it desirable to store safety helmets, lights and other equipment with their bikes. Other



bicyclists would appreciate having access to an air hose or tire pump, as well as having an occasional need for tools, parts or lubricants.

There are many possible means of meeting the requirements of this proposed policy. One possible way would be for transit operators to lease space to businesses at stations that will provide secure, monitored bicycle parking. The businesses could be bicycle shops or any of a variety of other businesses that could use transit patrons as a pool of potential customers. These bicycle parking facilities would allow the transit stations to serve potential transit patrons from a wider geographic area without requiring those potential transit patrons to drive to transit.

The lease terms should be written more to ensure services to transit patrons rather than to provide income to the transit agencies. If there is no charge for parking automobiles there should be no charge for parking bicycles. The minimum facility should have an inside area or areas for parking bicycles that can only be reached by passing through the business area, with access to the parked bicycles controlled or monitored by the shopkeepers. The lease terms should be written to ensure long hours of operation, with perhaps having bicycle lockers adjacent to the shop being available for very late or early customers.

As soon as a network of these facilities is established, a marketing campaign should start encouraging people to consider using the bicycle parking facilities at transit. A specific component of the marketing campaign should be to encourage some people to commute by having two bicycles, one to travel between home and transit and the other one to travel between transit and work. The marketing campaign should also recognize that darkness, inclement weather, and other factors can discourage people from using bicycles on a particular day. Many regular bicycle commuters have alternative plans for commuting, and the facility operator could help patrons plan and use alternative arrangements.

Aside from bicycle shops, other space might be leased to athletic clubs whose showers and lockers might attract jogging and bicycling commuters, or any other businesses that tended to facilitate transit use and assisted in reducing automobile dependence. Perhaps in lieu of some rent, requiring the business to maintain additional public bathroom facilities would be a very welcome additional public service.

The provision of better bicycle parking should not be used as an excuse by transit agencies to avoid carrying bicycles. The Draft Clean Air Plan does make vague mention of encouraging transit operators to haul bicycles, but lacks any detailed discussion of the details of how the transit operators could handle bicycles.

Being able to bring a bicycle on transit increases the number of destinations that can be reached from transit. I believe that I have significantly enhanced my mobility by being able to bring my bicycle along on some transit systems. It's been my experience that transit systems can

D3-P  
(CONT.)

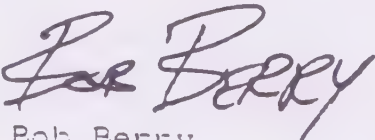
↑ easily handle a small proportion of patrons with bicycles, but larger proportions of bicyclists at peak periods have the potential to cause increasing transit vehicle dwell times. For routine commuting the transit operators would probably prefer to develop policies that tend to encourage parking bicycles over bringing bicycles.

Here's another strategy for trying to reduce automobile dependence: The transit service that does not now exist that could best increase non-motorist mobility would be a bus service running along freeway corridors and serving special freeway bus stops near most interchanges. Those bus stops would be designed for easy bus access off and on the freeway, and safe pedestrian and bicyclist access to the bus stops. At least some of the buses should have either special inside space for bicycles and other bulky objects, or a streamlined trailer for handling bicycles. A platform loading system for faster loading might be justified.

Providing a frequent transit service along a freeway corridor that has no transit service would seem both more cost effective and more environmentally desirable than widening a freeway. It seems difficult to justify freeway expansions when there is no viable transit service available along that freeway corridor. A lack of a transit service alternative along freeway corridors in effect forces many people to use automobiles.

The other major disincentive to bicycle use that should be addressed in greater detail in this report is the need for a network of connecting "bicycle friendly" streets or "slow streets" that could provide a safer and more secure route to the transit locations. Many people are discouraged from bicycle use from fears of proximity to motor vehicles, which is understandable in a society that has more citizens killed by automobiles than by guns. Planning some streets so that automobiles cannot travel for long distances on those streets, and including design features to discourage driving and encourage bicycle and pedestrian use have been successful in "traffic calming" schemes that have improved neighborhoods in many locations all over the world. Bicyclists would be less exposed to exhaust fumes on streets that had bicycle priorities, in addition to being physically safer because of their being further away from high speed automobile traffic.

Providing better bicycle parking, improving mass transit's ability to handle bicycles, and making bicycle priority streets should lead to significant positive improvements in air quality and in reducing energy consumption/reduction effects. The Bay Area Air Quality Management District should take the lead in encouraging the provision of such improvements.

  
Bob Berry

**Response to Comment  
Letter D3**

**RESPONSE D3-P**

See Section 1.2 regarding comments on the CAP.





R B Swenson  
147 South River Street, Suite 207  
P O Box 7080  
Santa Cruz, CA 95061  
408/425-8523  
Fax: 408/425-8533  
E-mail: ecosystems@lgc.org

LETTER D4

April 30, 1991

Osby Davis, Chair  
Bay Area Air Quality Management District  
939 Ellis Street  
San Francisco, CA 94109

Re: Draft Bay Area '91 Clean Air Plan ("CAP") and DEIR

Dear Supervisor Davis:

Upon reading the above referenced Plan, I have taken special note of Figure 10 which depicts a speculative future to the year 2010 in which vehicle trips will increase 27% (though trip lengths will decrease 9%) and thus total vehicle miles of travel will increase 18%.

Considering the attached article "Oil and Gas Estimates Plummet" from Science 22 September 1989, I want to know what oil resource projections were considered in arriving at these growth figures. In the USA, while many politically motivated individuals are proposing expanded oil exploration, the yield per unit of effort for new oil drilling activity is decreasing so dramatically that within the life of the CAP (the year 2010) it is projected that drilling will be at energy break-even: for every barrel of oil extracted from the ground, a barrel of oil fuel will be required to drill the well and pump the oil from it [Hall & Cleveland, Science, 6 Feb 1981, pp 576-579].

Your plan cannot be supported by the available resource. Perpetual expansion of the trade deficit is also not feasible -- imports will not suffice either. It will be impossible to convert our nation's automobile fleet to electric or any other mode between now and the year 2010. The only answer is to reduce vehicle miles of travel.

To be realistic, your plan must reflect these inevitabilities. If you choose to challenge these facts, you must line up behind the US Secretary of the Interior, who was unable to refute them. If you choose to be unrealistic, actions stemming from your plan will create great harm to the people you intend to serve.

Sincerely,

  
R B Swenson

cc: Steve Weir, MTC Chair  
Mary Griffin, ABAG President  
Air Quality Coordinator, Sierra Club  
Editor, San Francisco Chronicle

D4-P

R B Swenson  
147 South River Street, Suite 207  
P O Box 7080  
Santa Cruz, CA 95061  
408/425-8523  
FAX:408/425-8533  
internet:rswenson@lgc.org

May 15, 1991

Milton Feldstein  
BAAQMD  
939 Ellis Street  
San Francisco, CA 94109

Dear Mr. Feldstein:

Thank you for your response of May 10 to my recent letter.

In addressing the issue of oil/gas reserves, it is my intention to submit a letter to the DEIR process for the '91 CAP. To that end, I would appreciate your supplying the following information:

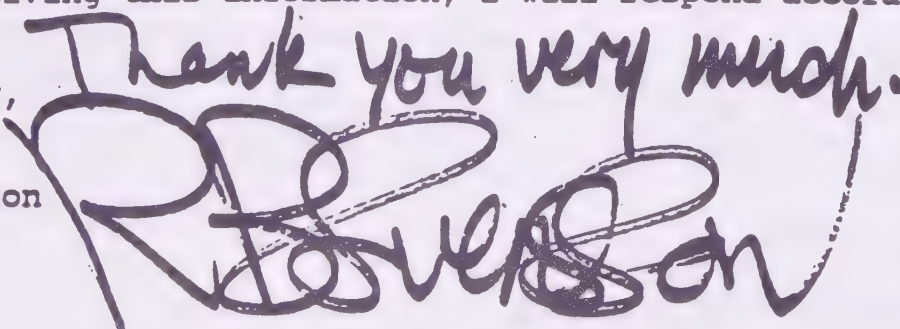
D4-P

1. Who is the individual within the BAAQMD responsible for determining the appropriateness or accuracy of MTC's projections, or what Board/Committee has set the policy of accepting MTC's projections as the basis for BAAQMD's projections?
2. Who within MTC is responsible for preparing vehicle use estimates? What are the underlying assumptions supporting their analyses?
3. To whom and when shall I direct letters to be responsive to the CAP DEIR process?

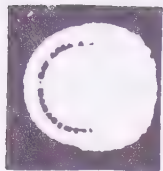
Upon receiving this information, I will respond accordingly.

Sincerely,

R B Swenson

Thank you very much.  






JR - copies for Plan comment docket TX

# BAY AREA AIR QUALITY MANAGEMENT DISTRICT

ALAMEDA COUNTY  
Edward H. Campbell  
Shirley J. Campbell  
Lori Hancock  
Kane M. Osawa

May 28, 1991

*Mailed 5/28/91*

*Sam*

R B Swenson  
147 South River Street, Suite 207  
P.O. Box 7080  
Santa Cruz, CA 95061

Dear Mr. Swenson:

In response to your May 15 letter:

1. We use MTC travel data and projections based on a Memorandum of Understanding (MOU) between our agencies. This MOU dates from 1980 in response to the federal Clean Air Act Amendments of 1977.
2. We do not know specific staff assignments within MTC. We have forwarded copies of your letters to MTC and recommend that you contact them for more information.
3. You may direct comments on the '91 CAP DEIR to me at the letterhead address.

Thank you for your continuing interest in air quality issues.

Sincerely,

*Milton Feldstein*

Milton Feldstein  
Air Pollution Control Officer

MF:ey

cc: Lawrence Dahms, MTC



# BAY AREA AIR QUALITY MANAGEMENT DISTRICT

ALAMEDA COUNTY  
Edward R. Campbell  
Shirley J. Campbell  
Loni Hancock  
Frank H. Ogawa

May 10, 1991

R. B. Swenson  
P. O. Box 7080  
Santa Cruz, CA 95061

Dear: Mr. Swenson

Thank you for your April letter regarding future fuel supplies.

The Bay Area Air Quality Management District does not attempt to predict or verify oil/gas reserves. In the '91 Clean Air Plan, Figure 10 shows estimates by the Metropolitan Transportation Commission (MTC) of changes in trips, trip length, and vehicle miles traveled. These are based on MTC's analysis of past behavior, expected regional growth patterns, and future travel demand. We recognize that there are uncertainties and differing opinions on any predictions of the future. MTC's estimates for the Bay Area, for example, are much lower than statewide growth estimates.

The American experience is that where demand exists, the free market system will provide the products and services to fill that demand. I expect that our region's mobility needs will be met by a combination of private vehicles (using a variety of fuels), car and van-pooling, improved public transit systems, walking, and bicycle use.

We also hope to reduce overall travel demand through improved land-use patterns that favor in-fill, higher densities, and mixed-use developments. And, because fuel prices will increase if supplies are limited, this will provide an additional self-regulating mechanism.

The Association of Bay Area Governments tracks population growth and other demographic trends from census data and other sources, MTC then projects travel demand. These estimates are updated frequently. Because the California Clean Air Act requires plan updates at 3-year intervals, we will have ample opportunity to make mid-course corrections for our future projections.

Sincerely,

Milton Feldstein  
Air Pollution Control Officer

MF:ey

cc: S. Weir, MTC  
M. Griffin, ABAG  
Sierra Club  
Editor, SF Chronicle

D4-4

**Response to Comment  
Letter D4**

**RESPONSE D4-P**                      See Section 1.2 regarding comments on the CAP.

The attachments provided with the comments do not address the environmental analysis and thus are beyond the scope of this EIR.





LETTER D5

Comments on the Draft BAY AREA '91 CLEAN AIR PLAN and DEIR

at the Bay Area Air Quality Managment District  
24 July 1991 meeting

D5-P

I commend the District staff on the development of this draft plan, and urge the Board to adopt a plan that will meet the California Clean Air Act (CCAA) mandates, to protect the health of Bay Area residents. The region has already violated federal and state ozone limits in July. Yet the draft plan does not meet the 5 percent per year emissions reduction mandate. Why then doesn't the plan vigorously employ the district's full legal authority?

Parking Use your Employer Programs and Indirect Source Review (ISR) authority to set parking or entry fees (at least \$3/day), or limit lot capacity, at new and existing work sites to meet vehicle miles traveled (VMT) and vehicle trip (VT) goals. Use the revenues to improve transit, and pedestrian and bicycle access. Why are these not included in Transportation Control Measure (TCM) 2 - 10 and 13?

Use your ISR authority to implement parking or entry fees (at least 1 cent/min.), to restrict lot capacity or entries, at shopping, recreation and entertainment areas to limit VMT and VT. Why is this not included as a phase 1 TCM? Use the revenues to improve transit, providing alternatives to driving. Why is this not included in TCMs 3 - 10 and 13? Phasing in parking fees would soften resistance.

Highways Use your ISR authority to delay all highway projects, except for safety improvements. Reconsider these projects only after a real regional analysis of compact infill growth, with transit improvements, shows the potential of this alternative to reduce VMT and VT. Allow the delayed projects to be built only when and if specific corridor TCMs (tolls, parking fees, highway entries, etc.) are implemented and automatically adjusted to limit the corridor VMT and VT sufficiently to meet the CCAA requirements. Such agreements should be enforceable through citizen action. Why doesn't TCM 16 include this?

Compact growth Use your ISR authority to require cities and counties to allow and encourage pedestrian-oriented compact infill with neighborhood serving businesses around transit stations and in transit corridors to cut the necessity to drive. And to reduce the parking spaces that cities require builders to provide. Why does TCM 18 only "encourage" zoning changes and remain moot on residential parking maximums? A compact region could have the energy efficiency to better weather the coming exhaustion of petroleum reserves.

Strong leadership could generate the environment that would allow the legislature to increase the District's authority to meet its mandate.

TCMs eliminated Why were the following effective TCMs eliminated from the draft CAP:

bridge toll increases,  
auto free/no parking areas,  
tax credits for transit users and no-car households, and  
increased auto taxes?

Are all TCMs listed in Figure 11 (p 60) still in the plan, even if not described in the 18 June 1991 addendum? If not, why not?

Delegation of authority If you delegate to any city or county authority to implement TCMs or ISRs, how will you adequately monitor and enforce their implementation? How will you judge progress toward meeting VMT and VT reduction targets? Will you automatically assume control of any delegated TCM or ISR if inadequate progress is being made? When? How?

Media A strong public information campaign is crucial. Educate the media about air pollution, the health impacts of motor vehicles, the present subsidies to motor vehicle use, and the ability of TCMs to reduce driving and raise revenues to improve transit service. Such measures, along with compact growth, will relieve people, especially the poor, from costly dependence on automobiles.

D5-1

#### DEIR

Why doesn't the DEIR evaluate at least one alternative which combines all the TCMs and ISRs you have legal authority to implement (see above recommendations) with compact growth in transit corridors?

D5-P

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#### PROPOSED TCMs (John Holtzclaw)

TCM 2 - replace paragraph 2 with:

o Air District will adopt rule to require major employers to implement trip reduction programs. These programs will include at least \$3/day (1991) parking charges, or will restrict lot entries or sizes sufficiently to accomplish the equivalent VMT and VT reductions. Revenues will be used to improve transit or increase local pedestrian amenities.

New TCM - ADOPT COMMERCIAL PARKING RULE

o Air District will adopt rule to require all shopping, recreation and entertainment areas to charge parking fees of at least 1 cent/min., or equivalent entry charges, or to restrict lot capacity or entries. Revenues will be used to improve transit or increase local pedestrian amenities.

TCM 16 - replace paragraph 3 with:

o New highways and highway expansions will be delayed pending regional analysis: to show the potential of compact infill growth with transit improvements to reduce VMT and VT. The delayed projects will be approved only when and if specific corridor TCMs (tolls, parking fees, highway entries, etc.) are implemented and automatically adjusted to limit the corridor VMT and VT sufficiently to meet the CCAA requirements. Such agreements should be enforceable through citizen action.

TCM 18 - replace paragraph 1 with:

o Via TCMs 16 and 19, Air District will require cities and counties to plan for, allow and encourage pedestrian-oriented high density, cluster development with mixed uses in the vicinity of mass transit stations and in mass transit corridors, and to reduce the parking spaces builders are required to provide.

TCM 21 - add to paragraph 1:

Revenues from the TCMs will be used to improve transit or increase pedestrian amenities.



John Holtzclaw \* 1508 Taylor San Francisco CA 94133 \* 415-928-8332  
PhD Urban Sociologist \* Engineering Physicist \* Regional Planner

Comments on the Draft BAY AREA '91 CLEAN AIR PLAN and DEIR

at the Bay Area Air Quality Management District  
24 July 1991 meeting

D5-P

I commend the District staff on the development of this draft plan, and urge the Board to adopt a plan that will protect the health of Bay Area residents and meet the California Clean Air Act (CCAA) mandates. The region has already violated federal and state ozone limits in July. Yet the draft plan does not meet the 5 percent per year emissions reduction mandate. Nor does it vigorously employ the district's full legal authority to do so. Why not?

Parking Use your Employer Programs and Indirect Source Review (ISR) authority to set parking fees (at least \$3/day), lot capacity and entries at new and existing work sites as necessary to meet vehicle miles traveled (VMT) and vehicle trip (VT) limits. Allow employers to use the parking fees to achieve pedestrian, bicycle and transit commuting. Why are these not included in Transportation Control Measure (TCM) 2 - 10 and 13?

Use your ISR authority to implement parking fees (at least 1 cent/min.) or entry charges, or to restrict lot capacity or entries, at all shopping, recreation and entertainment areas to limit VMT and VT. Why is this not included as a phase 1 TCM? Use the revenues to improve transit, providing alternatives to driving. Why is this not included in TCMs 3 - 10 and 13?

Highways Use your ISR authority to delay all highway projects, except for safety improvements. Reconsider these projects only after regional analysis of compact infill growth with transit improvements shows the potential of this alternative to reduce VMT and VT. Allow the delayed projects to be built only when and if specific corridor TCMs (tolls, parking fees, highway entries, etc.) are implemented and automatically adjusted to limit the corridor VMT and VT sufficiently to meet the CCAA requirements. Such agreements should be enforceable through citizen action. Why doesn't TCM 16 include such strong measures?

Compact growth Use your ISR authority to require cities and counties to allow and encourage pedestrian-oriented compact infill with neighborhood serving businesses around transit stations and in transit corridors to cut the necessity to drive. And to reduce the parking that cities require builders to provide. Why does TCM 18 only "encourage" zoning changes and remain moot on residential parking minimums? A compact region could have the energy efficiency to better weather the coming exhaustion of petroleum reserves.

Strong leadership could generate the environment that would allow the legislature to increase the District's authority to meet its mandate.

Reduction credits Why doesn't each TCM specify the emission reduction it is being credited with?

TCMs eliminated Why were the following effective TCMs eliminated from the draft CAP:

bridge toll increases,  
auto free/no parking areas,  
tax credits for transit users and no-car households, and  
increased auto taxes?

Are all TCMs listed in Figure 11 (p 60) still in the plan, even if not described in the 18 June 1991 addendum? If not, why not?

Delegation of authority If you delegate to any city or county authority to implement TCMs or ISRs, how will you adequately monitor and enforce their implementation? How will you judge progress toward meeting VMT and VT reduction targets? Will you automatically assume control of any delegated TCM or ISR if inadequate progress is being made? How?

Media A strong public information campaign is crucial. Use your revenues to educate the media about air pollution, the health impacts of motor vehicles, the present subsidies to motor vehicle use, and the ability of TCMs to reduce driving and raise revenues to improve transit service. Such measures, along with compact growth, will give people, especially the poor, cheaper alternatives to driving.

#### PROPOSED TCMs (John Holtzclaw)

TCM 2 - replace paragraph 2 with:

o Air District will adopt rule to require major employers to implement trip reduction programs. These programs will include at least \$3/day (1991) parking charges, or will restrict lot entries or sizes sufficiently to accomplish the equivalent VMT and VT reductions. Revenues will be used to improve transit or increase local pedestrian amenities.

New TCM - ADOPT COMMERCIAL PARKING RULE

o Air District will adopt rule to require all shopping, recreation and entertainment areas to charge parking fees of at least 1 cent/min., or equivalent entry charges, or to restrict lot capacity or entries. Revenues will be used to improve transit or increase local pedestrian amenities.

TCM 16 - replace paragraph 3 with:

o New highways and highway expansions will be delayed pending regional analysis to show the potential of compact infill growth with transit improvements to reduce VMT and VT. The delayed projects will be approved only when and if specific corridor TCMs (tolls, parking fees, highway entries, etc.) are implemented and automatically adjusted to limit the corridor VMT and VT sufficiently to meet the CCAA requirements. Such agreements should be enforceable through citizen action.

TCM 18 - replace paragraph 1 with:

o Via TCMs 16 and 19, Air District will require cities and counties to plan for, allow and encourage pedestrian-oriented high density, cluster development with mixed uses in the vicinity of mass transit stations and in mass transit corridors, and to reduce the parking builders are required to provide.

TCM 21 - add to paragraph 1:

Revenues from the TCMs will be used to improve transit or increase pedestrian amenities.

**Response to Comment  
Letter D5**

RESPONSE D5-P

See Section 1.2 regarding comments on the CAP.

RESPONSE D5-1

Pages 6.1 through 6.4 of the DEIR describe the alternatives selection process. The selection of alternatives focused on emphasizing certain control measures proposed in the CAP in relation to others or on changing their implementation schedules. This is because the District determined that to be considered realistic alternatives under CEQA, the alternatives should 1) include all feasible control measures, and 2) consist of a control strategy for which the District has the authority, or has a reasonable expectation of obtaining the authority, to implement or facilitate implementation. During the selection of alternatives, the District considered a "compact growth" alternative. This alternative was not selected for analysis because the District lacks the authority to implement the comprehensive land use controls needed to make this alternative a feasible attainment strategy. The CAP proposes to promote infill development and high density mixed use development at transit stations through TCMs 16, 18 and 19.

RESPONSE D5-2

See Response D5-1.





## Board of Directors Regular Meeting

July 3, 1991

*Excerpt from the Public Hearing**To Receive Public Comments on Draft Clean Air Plan  
and Draft Environmental Impact Report for Clean Air Plan*

\*\_\*\_\*

PERARDI: Chairman Cooper and members of the Board, good afternoon.

COOPER: You didn't have to say that.

PERARDI: I had "Good morning" in my notes. We released the draft Clean Air Plan for the '91 CAP in April of this year. Staff then, held a series of public information meetings in late May and early June. We also gave various presentations to city councils and county boards and to other groups. In response to comments received, and additional staff analysis, we made some changes in the draft Plan in mid-June. Those changes were embodied in a document we call an "Addendum" that I believe occurs as the last part of your meeting packets.

Some of the significant changes provided more information on the proposed TCMS, the process used to get from the laundry list of options to the plan proposals, providing cost-effectiveness data for the TCMs, increasing the stringency of the oxides of nitrogen control proposals. We deleted a few measures that were deemed not feasible, and moved some marginal measures to a contingency status. We also corrected the regional inventory for carbon monoxide, and small changes in the organic inventory reflecting (unintelligible) on consumer solvents.

We expected to distribute the draft EIR on the Plan before this meeting but were unable to do so. Therefore, today's public hearing will provide an opportunity for comments on the Plan itself, and the Board's evening meeting on July 24 will be the time for comments on the draft EIR.

1           We believe that the draft EIR which I am told was distributed to you, is a good  
2 document; it is thorough, comprehensive, and clear; and the preparers were very  
3 conscientious in laying out all the possible environmental impacts and their interconnections  
4 between issues.

5           We are also preparing a socioeconomic report that will be distributed as soon as  
6 possible next week, or the week after. I should point out that the socioeconomic report is not  
7 a requirement of the CEQA law but it is an item of interest and has been requested by  
8 various commentors.

9           Going back to the draft Plan itself, staff has received a lot of comments through the  
10 informational meetings, comment letters to media pieces; we have provided a summary of the  
11 comments received to date at the end of the packet that I described, attached to the  
12 Addendum in your meeting packet. The comments today have focused on three main issues:  
13 the first general issue is "how far should the Plan go" or "how much should it contain?"  
14 Essentially: *WHAT IS FEASIBLE?*

15           We are supposed to include all feasible measures in the Plan in an effort to reach 5%  
16 per year emission reductions. We interpret this to mean what is achievable and practical in  
17 the real world. The ARB, the agency that will receive and review the local plans, has  
18 provided guidance on this issue. We as staff think we have included all feasible measures in  
19 the Plan, and that we can submit an approvable Plan meeting the ARB guidelines.

20           Some commentors interpret "feasible" in a different way, to mean "physically" or even  
21 "conceptually" feasible. For example, it would be physically feasible to charge \$5/day for  
22 every parking place in the Bay Area, or even to ration gasoline and thus to reduce travel  
23 enough to get 5% per year emission reductions. So they would consider these "feasible  
24 measures."



1 We do not share that view. We believe that there must be strong elements of reality,  
2 practicality, a real possibility of successful implementation for a measure to be called feasible  
3 and included in the Plan.

4 Other major issues that we heard were in the area of transportation controls,  
5 especially parking fees and the so-called market based TCMs. There is a lively debate on  
6 parking fees as to their effectiveness, legality, and their desirability. The Plan includes  
7 parking fees in the third phase, that is the market based measures, and includes the option  
8 for employers to use parking fees in implementing Phase I of employer-based trip reduction.

9 There is a somewhat surprising consensus on market based TCMs, though there is an  
10 accompanying concern for equity and the potential burden on low income persons. I say a  
11 somewhat surprising consensus in that many business interests and many environmental  
12 interest groups agree that they would be effective and could be accelerated.

13 We are asking people to submit comments on the draft Plan by the end of this month.  
14 We are also requesting comments on the draft EIR by the end of this month, but they would  
15 be absolutely needed by the legal deadline which would be August 19; and that date was set  
16 by the time that the state clearing house receives the copies of the EIR that we are providing.

17 If there are any questions, I will try to answer them.

18 COOPER: Thank you, Tom. Are there any questions? There are none. Thank you. Then  
19 at this point, I will open the public hearing to receive public comments on the draft Clean Air  
20 Plan and the draft EIR, though I doubt if we will have anything on the latter, so we will pick  
21 that up on the July 24 meeting. So we can start the public hearing today with the cards that  
22 I have before me. I'll start with Steve Hemminger.

23 HEMMINGER: Mr. Chairman and Members: my name is Steve Hemminger, I am Vice-  
24 President of transportation for the Bay Area Council. I am also representing today an  
25 organization called the Business Air Quality Policy Committee, or BAQPC for short.  
26 BAQPC is composed of the members and endorsers of a statement that is being handed

1 around to you, and those organizations appear on page three; summarizing them, they  
2 include most of the major business associations in the Bay Area, including the Bay Area  
3 Council, the Santa Clara County Manufacturing. Group, the Contra Costa Council, the  
4 Chambers of Commerce of the three major cities, as well as number of private corporations  
5 including ATT, Bank of America, Hewlett Packard, IBM, Kaiser, Lockheed, and so forth.

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6 The statement, which I'd like to summarize briefly, and also make a few other  
7 comments, begins with our belief and conviction that we share your basic goal, to improve air  
8 quality, and our additional belief that an equally important goal is to reduce traffic  
9 congestion which will, in turn, improve air quality itself. We also support the California  
10 Clean Air Act's mandate, that any TCMs implemented be cost-effective, among other  
11 criteria, because we believe cost-effective TCMs are consistent with economic growth, and we  
12 also believe the converse to be true, that cost-ineffective TCMs can inhibit economic growth.  
13 That is why we are concerned with the first phase of the TCM Plan. We believe that it will  
14 be ineffective, and we believe that it is inequitable. We believe that it is inequitable because  
15 it largely focuses on employers to produce emission reductions. We believe it will be  
16 ineffective because commute traffic generates only about 27% of the total emissions.

17 Specifically, we are also concerned given the fact that the program will not generate a  
18 significant reduction in emissions, that Phase I TCMs have the potential to be very costly as  
19 well. The ARB has estimated that an employer trip-reduction program could involve a cost  
20 of as much as \$200 per ride-sharing employee to get to the levels in a "severe" area, which we  
21 are, which is 1.5 average vehicle occupancy. We would have to increase ride-sharing by  
22 about 50%; if you multiply the figures out, in terms of how many employees in the Bay Area  
23 are likely to be covered by such a regulation, this could involve as much as \$150 million per  
24 year; and that is to achieve an emission reduction that will be very small indeed.

25 We have included in this statement specific comments on the trip reduction rule, on  
26 the indirect source rule, and on the public education program which are components of Phase

1 I, and we encourage you to consider these when you adopt the Clean Air Plan and when you  
2 adopt the rules.

3 Our alternatives, as you have heard, is what has come to be known as the "market-  
4 based" approach; and that is a strategy that affects all traffic, not just commuters, it is a  
5 strategy that affects more autos that are dirtier than simply targeting autos *per se*, it is a  
6 strategy we believe, and which is demonstrated by the figures that are contained in your own  
7 Clean Air Plan, that would be much more effective and much more cost-effective than the  
8 measures being proposed in Phase I.

9 We urge you, therefore, to take a leadership role in accelerate the development of  
10 market-based measures, both with the ARB, with the Legislature, with your colleagues at  
11 MTC and other regional agencies who would need to participate in their development and  
12 implement.

13 That, in brief is our statement. And I would like, if I have any time remaining, just  
14 to make a few brief comments about the Addendum. I will be brief. Our concern is that  
15 when the Phase I program was released by MTC last November, it was projected to reduce  
16 emissions by 1.4%. When you released the draft CAP in April, that number had climbed to  
17 4.8%. The Addendum released a couple of weeks ago now puts the figure at 6.5%, and  
18 inasmuch as this figure is pertaining to the same program, we are wondering why the figure  
19 is steadily increasing. We are also wondering why your figures seemed to indicate that the  
20 employer trip-reduction rule would be much more cost-effective than MTC's figures  
21 indicated it would be. MTC indicated it would be approximately \$1 million per ton, your  
22 figure is \$163,000 per ton. And we would appreciate very much an explanation here now, or  
23 at the hearing on July 24, as to the discrepancy in these figures.

24 COOPER: I will ask staff to provide answers to your questions. Thank you.

25 CLEVENGER: I want his group to work with the Air Quality District in trying to get  
26 legislation from the Legislature; I think we should be the leaders, but we are going to need



1 the help from the groups you represent in order to accomplish that, and I'd like use to keep a  
2 list of those of those who have offered help on that issue.

3 HEMMINGER: We've already been to staff for that purpose and will continue to do so...

4 HARBERSON: One other question: I notice here, when you are talking about paragraph  
5 five, you advocate procedures including new and higher tolls on bridges and highways. I  
6 don't recall your testifying in favor of increased tolls at the Golden Gate Bridge District, and  
7 I was wondering if you are testifying in favor of the increased tolls across the Bay Bridges.

8 HEMMINGER: Well, the BAC has endorsed Senator Kopp's legislation to increase the tolls  
9 on the Bay Bridge; as far as the Golden Gate Bridge is concerned--the reason I wasn't there--  
10 is that my understanding at least is that there tolls has increased as you know, and they are  
11 also contemplating increasing transit fares.

12 HARBERSON: You're dead wrong.

13 HEMMINGER: I hope so. I hope the money that is used from the increased toll will be used  
14 to increase transit service.

15 HARBERSON: Yeah, I just want to see you...

16 HEMMINGER: ....that's the kind of idea we support.

17 HARBERSON: I'll tell you, sir, right now, it is very to talk at times like this about the Clean  
18 Air Plan and advocate other plans, hand you may well be right, but I do want you to know  
19 that I view it as a delaying project, unless you are on the front lines making the final ultimate  
20 decisions that affect people day to day. And when I see you guys really pushing for higher  
21 tolls across bridges, and for toll roads, which is what you are talking about here, then I am  
22 going to believe you a lot more than I do now.

23 HEMMINGER: Well, as I indicated...

24 HARBERSON: I heard you.

25 HEMMINGER: ...we are supporting legislation in Sacramento to do just that.

26 COOPER: Further questions?

1 ESHOO: Mr. Chairman, I'd like to ask that the staff when they bring back review, bring  
2 back the documentation from the group, or groups, as to why it costs up to \$200 per person  
3 to develop a plan as far as major employers...

4 FELDSTEIN: ...if indeed it does cost that.

5 HEMMINGER: The figure is from the Air Resources Board.

6 COOPER: The next speaker is Art Weber.

7 WEBER: Thank you Mr. Chairperson. I represent the San Pablo Avenue Rapid Transit  
8 Authority; this is an organization which is attempting to serve as an advocate for people who  
9 don't drive. We want to increase public awareness of court rulings which determine that the  
10 driving privilege is not the equivalent of our fundamental right to travel. We urge agencies  
11 dealing with transportation issues to use this principle to develop and emphasize government-  
12 administered TCMs that will increase the demand for public transit, and other alternatives to  
13 driving, and improve mobility for non-motorists without imposing new administrative  
14 burdens on the private sector. We have a more detailed, prepared statement, which has been  
15 given to you already.

16 COOPER: The next speaker will be Irwin Dawid.

17 DAWID: Thank you. I'm representing the Sierra Club Loma Prieta Transportation  
18 Committee that encompasses Santa Clara, San Mateo and San Benito counties. First of all,  
19 we want to say we are very supportive of the clean Air Plan and view it as a major tool to not  
20 only improve air quality but to work on accompanying effects, such as congestion.

21 We would like to make a couple of comments on the Plan. First of all, we strongly  
22 praise your page 15 where you make a comment where the emphasis be on moving people,  
23 not vehicles, and we see in this VMT Vehicle Miles travelled a strong need for emphasis on  
24 that. Partly because of that--I'm just going to give you my criticisms now--TCM No. 12 talks  
25 about arterial traffic management, and we are somewhat concerned about that one. Because  
26 in a sense that contradicts moving people, not vehicles. If the entire concept of improving

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arterial traffic flow can be considered objectionable, or at least pose some questions, it may contradict the moving people versus moving vehicles. Transit studies show that transit demand increases when a corridor becomes congested. If we seek to facilitate the flow of traffic, as opposed to reduce the traffic flow, reduce VMT, we actually are undermining our efforts to get people out of their single occupancy vehicles. Just yesterday I was at a T-2000 meeting in Santa Clara with the Oversight Committee, and noticed that one of the corridors showed that it only became cost-effective to put transit in the corridor when the corridor became congested.

E1-P

Probably our most serious objection has to do with parking. Parking currently is put in Phase III as opposed to Phase I. We feel on page 2a of Addendum says "management of parking supply and pricing is considered a reasonably available TCM"--now, that is what CARB has told you; and yet, it is put in Phase III. Regardless of how politically popular or unpopular parking is, it must be considered in Phase I because that is what CARB mandates. In fact, it could be placed in TCM No. 2 which is the management of pricing and parking supply to be included in the employer based trip reduction.

TCM 22 - Smog Fee - the way it is based in the Addendum it says the smog fee is tied to emissions per vehicle; smog fees need to be tied to mileage driven. A dirty car that is hardly ever driven puts out less emissions than a less dirty car that is driven all the time. The mileage needs to be included.

Lastly, TCM No. 6 - Regional Intercity Rail - please include the Dumbarton corridor: that has some marvellous implications as far as eliminating two hour commutes, as well as the Visona corridor, tying San Jose to Santa Cruz.

Lastly, TCM No. 3, you mention the extension of CalTrain Service to Gilroy, that we are going to start talking about CalTrain authorities coming out to acquire the right-of-way.

COOPER: Julia May?



1 MAY: Hi! I'm speaking on behalf of the Bay Area Clean Air Coalition. Yesterday we had  
2 ten people who wanted to speak, and we anticipated this would be a long hearing, so we cut it  
3 down to three, and now we cut it down to two. There is one speaking group who cannot be  
4 there on the 24th. We are going to submit detailed written comments in writing to you, and  
5 our members will be speaking on behalf of their respective organizations on the 24th, so we  
6 will not be giving you too many detailed comments today, but we wanted to let you know we  
7 are concerned about this issue. As the Plan stands right now, we cannot support it. We  
8 would like to see certain changes so that we could support the Plan, and we will be making  
9 comments on the issues of deficiencies in the transportation controls, nitrogen oxides, ozone  
10 depletion, and the Plan's failure to meet the 5% per year reduction requirement. The  
11 members of our coalition are Denny Larson of CBE, Margot Dishner--who will speak today--  
12 John Holtzclaw with the Sierra Club, Beth Hutchinson with American Lung Association,  
13 Sherry Kimball with Greenpeace, myself, Julia May with CBE, July Morgan with CBE,  
14 David Pilpell with Sierra Club, Adelia Sabiston with League of Women Voters, and Jessica ?  
15 with Sierra Club Legal Defense fund. We are trying to give you a break today and that is to  
16 speak all at once. So please look for our comments which we will be submitting to staff and  
17 Boardmembers.

18 And just one other issue for the 24th since you will be looking at both the EIR and the  
19 Amendments, there will not be enough time for individuals to speak on both of those, so if a  
20 person needs to speak on both of those issues, if they could be allowed more time, we've  
21 requested it for the 24th. Thanks again. We hope we will be able to support a modified  
22 Plan.

23 COOPER: Thank you, Julia... Margot Dishner?

24 DISHNER: Chairman Cooper, and members of the Board, I am Margot Dishner, I am the  
25 Chair of the Air Quality Committee for the Bay Chapter of the Sierra Club. Today I am  
26

1 speaking as an individual; the Sierra Club will be making its formal comments on the 24th.

E1-P 2 Today I'd like to address Indirect Source Control with you. I have three major concerns.

3 The first concern is that the District's decision to delegate away your authority for the  
4 implementation of Indirect Source Control when at all possible. As the ARB outlines in its  
5 guidance document, in fact the District exercises authority over the regional air, while the  
6 local governments oversee land use. This creates a balance of authority. The decision to  
7 delegate away your authority ignores the prudence of this balance; and while the District has  
8 the right to delegate away its authority, this actually misses the whole reason why you have  
9 the authority in the first place. Indirect Sources are local phenomena, but they have regional  
10 effects. No local government can really exercise the breadth of vision that is required to  
11 ensure that the new indirect sources will not increase emissions. Only the District really has  
12 the technical knowledge to do this well.

13 My second concern is that if the district doesn't delegate away your authority, what  
14 will be your procedures for reviewing what the local agencies have done? How are you going  
15 to do this? Are you going to have staff sit on all the local meetings; review all the pertinent  
16 documents; are you going to set up a special hearing board? If you do delegate away your  
17 authority, it is important, I believe, that you set tough performance standards; that you  
18 closely oversee the process, and that you step in and take the power away from the local  
19 agencies if they don't exercise the authority.

20 My third area of concerns it that, although the Plan is highly conceptual at this point  
21 so it is kind of hard to tell, it kind of looks that it is not going to create that much revenue; I  
22 believe the Plan should be detailed, specific and reflect some valid financial projections. And  
23 also, have you thought through a system for this revenue.

24 WITHERSPOON: Chairman Cooper and Members of the Board, I'm tired, as I am sure  
25 you are. I am the ARB's Chief of the Air Quality Planning Office; I have been working with  
26 your staff and staff of other districts in putting together their air quality plans. We are of

1 course obligated under law to review the Plans. In order for that activity to be as pleasant  
2 and ministerial as possible we try to identify issues early on and sort them out before the  
3 Plans come to us for official review. We think that the Plan prepared by staff is a terrific  
4 document, although that is not the kind of comment you have been hearing so far; ours fall  
5 in the category of things to improve it.

6 And there are five issues that will grasp the attention of the District staff for  
7 modification: 1. The Plan should break out rule-making activity by specific years, rather  
8 than grouping \_\_\_\_\_ through windows; this would make it possible to determine whether  
9 or not the District is following an expeditious schedule, and later after the Plan is adopted,  
10 give us a reference point for gauging annual progress.

11 Secondly, we have recommended that the schedule for four particular NOX control  
12 measures be accelerated, in our judgement it is possible to move those along somewhat more  
13 quickly. The staff may disagree for valid reasons and we are asking them to be a little more  
14 explicit about what those reasons are.

15 Thirdly, we have suggested that caution be exercised in describing the results of the  
16 modeling work; there are some declarative statements in the Plan about the benefits of one  
17 strategy over another, which may not be completely justified by the modeling work done to  
18 date.

19 Fourth, we have asked for demonstrations of compliance with particular components  
20 and requirements in the act related to transportation control and that is the 1.5 average  
21 vehicle ridership, and a no net increase in motor vehicle emissions. This is really a technical  
22 problem, more than a policy one; the District has struck out in that direction--they simply  
23 haven't gone through the exercise of calculating whether or not they have met that target,  
24 and that is something that needs to be done.



E1-P

1 The last comment is on the transport mitigation requirements established in the Act  
2 and by the ARB regulation; the Plan makes reference to them but does not go through an  
3 explanation of how they will be satisfied and perhaps it should.

4 COOPER: Thank you, Kathy. Any questions?

5 BRIAN: I am Beverly Brian of the Silicon Valley National Association of Industrial and  
6 Office Parts; I am the Executive Director of the Association. The paper that is coming  
7 around to you know contains my card and an article written by me in the California Real  
8 Estate Journal which is essentially a summary of the BAQPC position statement on Clean  
9 Air; it gives it to you in one page, and perhaps although the type is small, you may look at it,  
10 and I would like to make some points, though I am certainly not going to reiterate this: NAP  
11 is 145 members in the South Bay; we are in 18 cities, 15 in Santa Clara County, 3 in  
12 Fremont. My organization represents the commercial industrial development community and  
13 the people who are involved with that community. NAP is one of the founding members of  
14 BAQPC, we have been a member of the TCM Task Force of the TCM since September 1989,  
and we have followed and testified for almost two years about these issues.

E1-P

16 The BAQPC paper which support encourages market-based TCMs, specifically, smog-  
17 fees, enhanced vehicle inspection, new and higher tolls on bridges and highways, and  
18 increased gasoline taxes. Some of the numerical data which one of our members will talk  
19 about in a few minutes will demonstrate this quite clearly, but it is our perception and belief  
20 that the market-based strategies which do actually impose fees of some sort on more people  
21 and more vehicles and more activities, will, indeed, make some changes and some dramatic  
22 changes in terms of the clean air and congestion in the Bay Area. We ask that you as a  
23 Board and district move from the perception of the Clean Air Plan as it is now to taking the  
24 market-based strategies in Phase III, putting them in the first Phase, and giving them a  
25 chance, because we are quite convinced that these, indeed, will make changes, and attain the  
26 kinds of goals that we all would like to have and can support.

1 In response to one of the Boardmember's questions a few minutes ago, about "are we  
2 asking for these kinds of things," yes, indeed, we are supporting them, we are writing to our  
3 legislators, we are doing everything we can short of being elected officials ourselves which, of  
4 course, we are not, to try to implement these. So we have been out on the front lines for a  
5 considerable period of time, and we have met with several Boardmembers, particularly in  
6 our county, on these issues. We thank you for your support of this, we encourage you to get  
7 the market-based strategies in terms of fees and inspections, because I think this will make  
8 more people quite aware of the kinds of things we are doing as human beings to live in the  
9 Bay Area. Thank you very much.

10 DIRIDON: First, I'd like to compliment Beverly and her organization for being good  
11 citizens, cooperative on a whole lot of different issues. There may have been some confusion  
12 some time ago Beverly in regard to a communication that either came from Assemblyman  
13 Quackenbush to you or from some of your members to Assemblyman Quackenbush that then  
14 spawned letters from your membership to many of us, complaining out potential parking  
15 fees, but not mentioning any other Plan. It may be that you would like to clear that up. Mr.  
16 Quackenbush has got to be a key person, because he is on the Republican side of the aisle, in  
17 regard to these indirect source control, pardon me, market-based strategies being  
18 implemented by the state; all three of the major taxes have to be implemented by the state, or  
19 authorization given to locals to impose it. Your members could follow-up that earlier letter  
20 about the parking issues, which were not adopted by this body, with an encouragement that  
21 Chuck vote in support of the taxes, that would be a big help.

22 BRIAN: I will certainly have to discuss that with him. I think that the whole issue in terms  
23 of the parking question has been looked at, as I understand it, by somebody in the Attorney  
24 General's office. I don't have that document in front of me.

25 DIRIDON: You see, it's moot. At this stage, parking fees are neither in this Plan, nor in the  
26 MTC Plan: they are fallback positions.

1 BRIAN: That's correct.

2 DIRIDON: And somehow there is confusion, either offered by Mr. Quackenbush, or by  
3 some of your members, I'm not sure how the letter worked out: I suspect it was from the  
4 Assemblyman's office, indicating that we were proposing parking fees. We are only  
5 considering parking fees if they won't impose the taxes that are requested.

6 BRIAN: I understand.

7 COOPER: Rod, I might suggest that staff get copies of those documents that will clarify the  
8 issue in her mind.

E1-P

9 BRIAN: We certainly understand parking fees are part of the Phase III implementation, and  
10 we are suggesting there are some alternative market-based approaches that may, indeed, be  
11 used, so here today I did not address the issue of parking fees. Thank you very much. I  
12 appreciate your time and consideration.

13 May I ask a question in terms of the hearing on the 24th: will this hearing be closed,  
14 so that people can again speak on the 24th, or will anyone who spoke today not be permitted  
15 to speak on the 24th?

16 COOPER: Oh no, people can speak, but I will ask them not to repeat what we have heard  
17 here today.

18 BRIAN: Certainly, I can understand your reasoning for that.

E1-P COOPER: The next speaker is Frank Hemley.

20 HEMLEY: Chairman Cooper and members of the Board, I'm also serving this year on the  
21 Board of Directors. Beverly Brian pretty well summed up what I have to say. I'd like to  
22 emphasize our support of the market-based strategy as the most effective means of cleaning  
23 up the air. If you look at the TCMs that are in the emission reduction cost-effectiveness  
24 attachments that have been handed out today, Measure No. 2, which is a very onerous one in  
25 the development community, employer-based trip reduction, its effect on emission reductions  
26 in tons per day is on the order 20.6% in one case, of the market-based traffic control



1 measures under 22, in terms of effectiveness. We have had testified at these hearings for the  
2 better part of two years, and we have as active, as Bev said, as we can be short of being  
3 elected officials ourselves in trying to push for the market-based strategy as not only being a  
4 feasible but also a practical and equitable way of attacking the problem. There will be a lot  
5 of obstacles in the way. John Q. Public does not like to have his free parking taxed;  
6 employers are loathe to impose restrictions, parking restrictions, on employees. The reality is  
7 the need to reduce, by some 30-some-odd tons per day the emissions in the Bay Area. If you  
8 look at TCM 2, which makes larger employees in the Bay Area policeman, it's only 20 some-  
9 odd percent of TCM 22. We've also been urging that any revenues generated through traffic  
10 control measures be applied immediately and directly to improvements in public  
11 transportation. BART will work. BART is essential to the continued growth of the nine Bay  
12 Area counties in the 21st century. If you give an electric train to any kid, the last thing he  
13 will do is set it up in an "X" configuration. That is what we have today. We need to  
14 complete it.

15 I'll sum up. We do endorse the BAQPC statement of principles, we are actively  
16 engaged and committee to improvement of air quality in the Bay Area, and we urge you to  
17 emphasize the market-based strategies; and if it requires legislation, so be it. We are looking  
18 at the 21st century in the long-term here; there are a lot of people in Sacramento who change  
19 the laws every day; this is worthy of their attention to respond to this.

20 ESHOO: Just a quick comment and little bit of a challenge to both MAYOP and BAQPC... I  
21 think that when anyone of us stick our head in the sand we should always remember what's  
22 left sticking up in the air: this thing is not going to be resolved, in my view, by only one  
23 strategy: you all represent a number of companies and corporations. I've asked some who  
24 came to see me from another organization recently to go back and sharpen their pencils to go  
25 back and come up with what they could live with in an employer-based TCM Plan. I think  
26 that, just as you are asking for and suggesting and supporting the market-based strategy,

1 that that needs to be coupled with the other. I think that there is something going to be  
2 lacking from the business community if that whole element is eliminated. I think it is one of  
3 the things that I would describe as sticking the head in the sand; I just can't us progressing  
4 without that component being part of it as well. So I am challenging you all to come up with  
5 something; we are going to have more hearings; I would like to hear from the business  
6 community and see what you come up with.

7 HEMLEY: That's fair; I'm sure we would all like to participate. We would also like to see  
8 more forums where the business community is actively invited to participate.

9 HARBERSON: If MAYOP wants these market-based to pass through the Legislature, you  
10 are going to have to do more than just sit there and write letters. You are going to have to  
11 call them, put a lot of pressure on them. I suggest you call Quentin Kopp right now and tell  
12 him to keep the pressure on to raise the tolls on the bridges and to get the 2 cent increase in  
13 gasoline taxes. If you want it to happen, it will happen. I guarantee you that the Legislature  
14 is in the right mood to do it, but quite frankly I don't accept as Gospel this saying "Hey, we  
15 really support it." The way we will find out whether you support the market-based as  
16 opposed to the parking regulations is if it passes the state Legislature. I urge you to do that  
17 right now.

18 COOPER: Our next speaker is John Christiansen.

19 CHRISTIANSEN: Thank you very much for giving me an opportunity to speak today. I'm  
20 John Christiansen, manager of economic development with the Oakland Chamber of  
21 Commerce. I first want to respond to Mr. Harberson that the Oakland Chamber of  
22 Commerce is already in strong support of those measures, and I know the City of Oakland is  
E1-P working on those as well and has already taken action; and it is a matter now, if we get  
24 through the budget session, to see what is going to happen in Sacramento. The Oakland  
25 Chamber of commerce supports the basic intent of the '91 Clean Air Plan; however, we  
26 continue to have reservations on the cost-effectiveness and real concern on the possible

1 negative effects on some of the stationary source controls. We also have concerns on the  
2 levels and goals for attainment in the TCM portion of the Plan; particularly in Phase I, and  
3 the accomplishment date of 1994. Our Chamber is a founding and active of the BAQPC and  
4 the Chamber wholeheartedly supports the statement that was presented to you earlier by our  
5 coordinator Steve Hemminger.

6 We ask that you consider these recommendations and findings before the final  
7 adoption of the Plan. We also specifically ask that there be maximum flexibility for the  
8 employers for the implementation of the Plan. We believe that this can be most effectively  
9 accomplished by the market-based approach, and we stand prepared to work with the other  
10 groups and with you in successfully achieving the necessary passage of legislation in  
11 Sacramento.

12 HUGHAN: Mr. Chairman, I'd like to refer to Anna's speech again. I agree with what Anna  
13 said, and with what he said entirely: there is another role here as well.

14 ESHOO: I don't think they've heard it.

15 COOPER: Our next speaker is Doris Mayes. Is Doris here?

16 MAYES: I'm Doris Mayes, and I represent the city of Palo Alto. And I'd like to first of all  
17 to acknowledge all the staff work that has been done on the CAP. We expect to submit some  
18 detailed comments. But I do have problems, and one of them is that I came here today  
19 expecting to get that draft EIR, and because we are meeting on Monday with our Council to  
20 discuss the clean Air Plan, and there won't be another opportunity before July 24 to do that,  
21 and I was told in fact that I can't carry one home with me, as I was intending to read it at  
22 home over the weekend.

23 ESHOO: You can take mine, and I'll get another copy.

24 MAYES: That takes care of Number One. Secondly, it would be a good PR tactic for the air  
25 district to demonstrate to the world that they put their money where their mouth is, and tell  
26 the world what they are doing about their employee trip reduction program. Palo Alto has



1 certainly set an example along with other south bay cities having adopted traffic demand  
2 ordinances; for example, I'll be telecommuting two days a week myself, using a computer at  
3 home to do part of my work.

4 Finally, I'd like to ask you support state legislation that would support funding of  
5 school buses, because I think that "Wake 'n Be" high school and 2/3 of the grounds are  
6 covered by parking lot, and a lot of that is because there has not been funding for realistic  
7 busing. I'd like you to consider that because I think that is powerful way the state can use its  
8 funding and revenue-source power. That concludes my remarks.

9 COOPER: Thank you, Doris.

10 HUGHAN: I'd like to ask this lady her position with the City of Palo Alto.

11 MAYES: I'm the environmental protection coordinator located in the Planning Department.

12 HUGHAN: I sense some hostility on you.

13 MAYES: Sorry. Basically, I see that it is a very expensive program, and I support the goals,  
14 but I think we are not clear as to the social and economic costs of this. We do need to  
15 balance the economic needs along with the environmental needs. I'm not opposed to the  
16 Plan; I think we are forging new ground.

17 HUGHAN: Are you speaking for the Council?

18 MAYES: No, they have not yet taken a position.

19 HUGHAN: We do have an employee program here.

20 MAYES: I just think it would be good PR.

21 HUGHAN: Well, we have one.

22 ESHOO: You are supporting a more stringent Plan? You are speaking in concern with some  
23 of the other parties.

24 MAYES: Basically, I asked for the EIR...

25 ESHOO: Here...

26 MAYES: Right now there is a neutral attitude; the Council has not spoken on the subject.

1 DIRIDON: Paul, I'm sorry to take your time but this is really important. You folks that  
2 come here to talk to us about the market-based strategies: I support them. I've gone to the  
3 hearings for over two years now, and I understand them and really support them; I think  
4 they are the only way to go; we will have to do things beyond that, but we need the market-  
5 based strategy, but unless local government, cities and counties all come out for that, you  
6 can't expect the regional governments and the state to take the heat on a tax increase. So you  
7 have got to be willing at your city council to say "tax increase" otherwise your legislators will  
8 not.

9 MAYES: I think you are correct, sir.

10 COOPER: I think what we should all understand here is that you are not representing the  
11 Council's position or staff position.

12 MAYES: I am in respect of asking for the EIR, and would like the other to follow the trip  
13 reduction example.

14 HUGHAN: Mr. Chairman, I'd like staff to answer the question now about our program.

15 FELDSTEIN: Yes, we have a program in which we provide, the District provides, transit  
16 passes, carpool incentives for carpoolers of three or more per car; and this has been going on  
17 for about four years.

18 HUGHAN: Thank you.

19 COOPER: Alright, let's move on to our final speaker: Susan DeLuxe.

20 DeLUXE: Good afternoon. I am here as your basic private person. The six million of us  
21 that couldn't come this morning because we are at our jobs, so I guess I'll have to say this for  
22 us all. I am really concerned about the air quality empire that is being planned for the Bay  
23 Area, as well as the choking entanglement of taxes, fees and tolls confronting motorists in the  
24 future. Many of the "politically/environmentally correct" policies being embraced here bear  
25 little relationship to the real world that real people must live, cope and work in. It seems in  
26 the zealous pursuit of one set of goals, we are creating a plethora of other economic, social

1 and practical problems. Upon reading the Bay Area '91 Clean Air Plan, I felt as though I  
2 was reading "The Emperor's New Clothes" fairy tale. Throughout the first several pages we  
3 are assured that air quality is good and improving; already better than that found in most  
4 other urban areas throughout the country. Of the 15 largest metropolitan areas, San  
5 Francisco's ozone air quality ranked third lowest, with 3.4 days a year over the federal  
6 standard, or .9%. In contrast L.A. was 14th, with 145 days exceeding the federal ozone  
7 standard, or 40%. Since this standard is the most difficult in the country to meet, I thought  
8 we were closer to complying with the stricter state requirements.

9 As for carbon monoxide, this region was in violation eight days, or 2.2% in '89; the  
10 second lowest rate for state urban populations, and less than 1/8 of the problem confronting  
11 Los Angeles. Certainly these objectives can continue to met voluntarily, I thought, with Bay  
12 Area growth rates modest--only 16% over the last ten years--and technology ever advancing;  
13 the technical improvements have outpaced the growth in the use of cars, for which your  
report states this trend will continue to the next century.

E1-P

15 So how is it that the San Francisco Bay Area has come to be designated a "severe"  
16 pollution problem, sharing the same classifications and subject to the most punitive, stringent  
17 attainment program as Los Angeles?

18 It must have little to do with the "severity" of the problem because it is projected that  
19 we will be able to meet the CO standard shortly. So because we don't have any practical,  
20 conceivable Plan right now--which is basically the failure of this Board, I presume, why there  
21 is no Plan--we are subject to the same auto-neurotic transportation controls being  
22 championed by utopian earthniks.

23 Here is a novel idea: how about making a draft appeal to the public first before  
24 burdening us with all these repressive regulations? Nine counties and six million people's  
25 daily lives will forever after be profoundly affected by your decisions.



1 Even though the state standards are 25% higher, these three affected areas, San  
2 Francisco, San Jose, and Vallejo--only non-comply practically 15 times a year: that's four  
3 percent. How convenient of the stringent state ozone requirements--most urban areas in the  
4 state will be classified "severe"--are impossible to comply with. Passed in 1988 with the  
5 decentralization of federally-funded programs was beginning to be felt, the state desperately  
6 needed major new sources of revenue to offset costs being spun off by the feds to local  
7 governments. What better resource to seize and control than the very air we breathe? Under  
8 the smokescreen of environmentalism, a frightening array of new taxes, fees, tolls and  
9 regulations will soon suffocate the Bay Area. Who cares what the pristine quality of air is  
10 when no one can afford to live, work, or breathe, here? To classify the Bay Area as "severe"  
11 is ludicrous. The statistics don't support it, and the people certainly won't support it.

12 You, ladies and gentlemen, are the architects of disaster. We can't turn back the  
13 hands of time and somehow go back to the future pretending that public transportation can  
14 meet all the needs and render automobiles obsolete. Given the sheer diversity of occupational  
15 needs and our society's complexity, we might as well board up our cities now and turn our  
16 cars into planters and lamps.

17 Who will be able to afford to conduct business here? or even want to? What you are  
18 really creating is an elitist transportation caste system with the citizens who can least afford it  
19 paying the most. Cleaner air and less congestion are admirable goals, but impoverishing  
20 motorists and making them feel like social pariahs, crippling commerce and \_\_\_\_\_ on  
21 jobs in the area isn't the way to go about it.

22 COOPER: Susan, can you sum up, please?

23 DELUXE: I'd like to say in our time-starved society, we don't have enough time to spend  
24 with our families, with our children, as it is during the week. When you tack on hours of  
25 commute time, when one thinks of the crime and problems we have in our society, there is no  
26 time to be together as a family. And under the guise of air pollution, you want to take even

1 more time and money away from us. What is your objective? I grew up outside Detroit: do  
2 you want a ghetto as an urban center, a city that ceases to function or serve anyone  
3 anymore?

4 My generation was the first generation to care about ecology: we've taught our  
5 children to respect and protect the earth, and they are starting to teach their children to do  
6 so. We don't need all these regulations. I think we can accomplish all of this voluntarily.  
7 Thank you.

8 COOPER: Are there any other speakers?

9 FELDSTEIN: Mr. Chairman, can we have a copy of these, this..

10 COOPER: Susan, would you mind allowing us to make a copy of your comments.

11 DeLUXE: I suppose, sure.

12 COOPER: They'll be entered into the public record.

13 ESHOO: I think, Mr. Chairman, that was a commentary that was pretty heavy duty, and  
14 rather than each one of us wanting to respond now, I would like a draft of what the District's  
15 response will be. We've been called lots of things, but not architects of disaster.

16 DIRIDON: Mr. Chairman, it boggles my mind that someone who allegedly is concerned  
17 about being with her children is willing to have her children breathing dirty air.

18 COOPER: Well, let's don't get into that right now. So I'm going to close the hearing and  
19 continue it to the hearing of July 24, at 7:00 p.m.

20  
21 *Exeunt omnes.*  
22  
23  
24  
25  
26

**Response to Comment  
Letter E1**

RESPONSE E1-P

See Section 1.2 regarding comments on the CAP.





## Public Hearing on Draft CAP & Draft EIR

Welcome everyone. This is a special evening public hearing on the Draft Clean Air Plan. The public hearing is by the Bay Area Air Quality Management District Board of Directors. We expect more than what we have here now, so, we will start the meeting as a committee. We are not going to take action tonight. We are going to hear testimony only. I would like to, since the hour is already a little bit late, start the meeting. First off, I would like to express my gratitude for so many people coming out on an evening to hear and to give us information, hopefully, that will help us act in the near future. I would like to ask the Clerk to call the roll, please.

**Clerk:** On the roll for the special meeting:

<u>Directors</u>	<u>present</u>
Achtenberg	
Aramburu	x
Battisti	
Britt	
Campbell	
Clevenger	x
Cooper (chairperson)	x
Davis	
Diridon	
Eshoo	x
Hancock	
Harberson	
Harper	x
Hilligoss	x
Hughan	x
McKenna	x
McPeak	
Nicolopoulos	
Ogawa	
Powers	

We have 8 present and 12 absences.

**Chairperson Cooper:** We will start into our formal agenda. Item #2 will be deleted. We will not approve the minutes of July 17th this evening. Before we start into the two items that deals with our reason for being here, the Draft Clean Air Plan, I would like to just introduce for you the process for the evening. I have a number of cards, as you can see, from people that wish to speak. Of course, that is why we are having this meeting to hear you speak. Some of you will probably have already expressed comments on the record in our prior public hearing. For those of you that are going to again speak this evening, I ask that you not provide testimony on issues that you

already have made a part of the record. That you give us any new ideas or new thoughts that you have and for those who are speaking for the first time, and also, those that are speaking again, I want you to be advised that I am going to hold the remarks of each speaker to 3 minutes. That is in accordance with our standard rules and it's even more important tonight because we have a lot of people who want to talk and we don't want to keep anyone here unduly long. So, with background, I will now go into first our item #3, the Advisory Council comments on the Draft Clean Air Plan, this will be Chairperson Koshland.

**Chairperson Koshland (Advisory Council):** Thank you Paul. Thank you for the opportunity to speak this evening for the Advisory Council. What I am reporting on is a set of recommendations for which the Council has achieved a near consensus. For those of you who don't know, the Advisory Council is a citizen's body that volunteers to advise the Air Board and we don't always agree but this is a list on which we have achieved near consensus. The recommendations are the product of study of the Clean Air Plan over the past few months and also represent, to some degree, the study that has been carried out over the past two years by the various committees of the Advisory Council. The list of recommendations that we have, I believe was included in your agenda package. I am just briefly going to go over them now. Paul stop me if I go over too much. I will entertain some questions at the end if there is time. Can everybody hear me.

E2-P

The first thing we recommend is that the Clean Air Plan include a distinct strategic plan. By that we mean a clear statement of the goals followed by criteria for selection and prioritizing control measures. We want a way to decide what is going to be done first and what's going to be done later. We don't think that's spelled out clearly in the Plan at the present time. We also want to include a process for identifying and adopting control measures which were not included in the Plan at the present time, so that we are not locked into something we decided in 1991 if something new comes down the road.

The second recommendation is that there should be a working definition of the word "feasible", which is used frequently in the document. It is not well defined, and it is left as a criterion on which a number of decisions will be made and therefore we feel it needs a definition.



The third is that the Plan include continued exploration and review of market based incentives, intermittent controls, gross management and voluntary measures and other creative alternatives to the usual command and control strategies which have served us well in the past. We, again, don't want to see opportunities left unexamined simply because they were not included in the original document.

The fourth one is that the implementation of NOx control strategy in the Plan needs to be adopted in a proper sequence to maximize health benefits. We would like to see NOx controls utilized particularly where they will reduce population exposures, but we would like them phased in appropriately so we don't end up with hot spots or situations where citizens are unduly exposed because of the way both ozone or chlorine..... The interaction between the hydrocarbons and NOx, we would like to see that phased in appropriately and that kind of understanding is not clear in the Plan at the present time.

We would like the Board to consider the socioeconomic consequences to individuals, of some of the program development and implementations.

We would like the Plan to briefly include expanded explanation of plans for particulate matter and toxics, which are at the present time given about two paragraphs each. We feel that there is legislation coming down the road and that there are things in the Federal Plan that we will need to address, and we don't want those left unexamined.

We would like to make sure that full funding is there for public education program because we feel we are going to have to deal with a number of measures that are going to be difficult for the public, and therefore, we need to make sure we have adopted an education plan as part of this strategy to get things implemented.

Eight, we would like an early review of your rule making strategy to assess whether it will be effective in meeting the mandates presented by the Clean Air Plan and also by the Federal Clean Air Act. Simply a review of the way in which we have conducted business.

E2-P

Finally, that the document include an executive summary which it has not included thus far, and a section detailing the additional legislation, authorities and funding required for successful implementation of the Plan.

**Chairperson Cooper:** Thank you Catherine. You have given us a written document which in affect covers the items you have just mentioned. We will make that part of the record.

Any questions?

Before we go to item #4 we will have a staff report. Milt did you want to go first?

**Milt:** If I may, Mr. Chairman, I would just like to have Tom Perardi, who is our Director of Planning, briefly discuss the EIR and Socioeconomic Report which we haven't had much of a chance to bring to you. So, he will take a few minutes.

**Tom Perardi:** Chairperson Cooper and members of the Board, Good Evening.

In response to the California Clean Air Act of 1988, we prepared and in April circulated a Draft Clean Air Plan for the Bay Area. In mid-June we send out an addendum providing additional information and some relatively minor modifications and corrections to the draft Plan. In early July we distributed a Draft Environmental Impact Report on the draft Plan and last week a supplemental report on the socioeconomic effects of the Plan.

The purpose of this meeting is to receive comments on the draft Plan and the draft EIR. The Environmental Impact Report is a public disclosure document. It should describe any potentially significant environmental impacts of the proposed actions. Though the Clean Air Plan will improve air quality and public health overall, some of the proposed measures still have a potential to produce some adverse impacts. These impacts appear to be minor, localized and/or short-term. Nevertheless, staff and the EIR consultants agreed that the EIR should identify them. If not enough information was available to determine whether or not an impact is significant or whether or not it can be adequately mitigated, the EIR listed it as a significant impact. We believe that this approach serves the CEQA intent of full disclosure.

The deadline for comments on the draft Plan will be July 31st and the deadline for comments on the draft EIR will be August 19th. We will analyze comments received through that date and forward comments and responses to the Board for your consideration before Plan adoption. When the final EIR is prepared and certified, the Board can then weigh the overall benefits and the potential adverse impacts when considering adoption of the Plan.

The supplemental document on socioeconomic impacts is not a required element of this process, but it is, we think, a useful element. We asked an independent and objective consultant to prepare a socioeconomic report so that we could better understand the social and economic implications of the proposed measures. Through this document, we are sharing the available information with the Board of Directors and with the public.

The Clean Air Act sets very ambitious goals and simultaneously sets a priority on expeditious progress toward the goal of healthy air. Therefore, we don't have a lot of choices in the planning process and we may not have complete latitude to act upon the socioeconomic information. However, we feel that the socioeconomic report does provide a reasonable level of analysis at this planning stage. It identifies the sectors affected by the various measures, the direction of the effects and where possible, quantification of those affects. We expect that the analysis will be useful in the final stages of the planning process as we proceed to adoption of a final plan.

If there are any questions, I'll try to answer them.

**Chairperson Cooper:** Any questions for Tom. Thank you Tom. Now, Milt, I would like to call on you and perhaps you can lay out for us exactly what the process will be from this point on, for the Board, after this evening's public hearing.

**Milt:** Yes. Mr. Chairman and members of the Board. As you know, we have already had a number of public meetings, eight to be exact, plus the fact that we have spoken to innumerable members of City Councils, Boards of Supervisors and so on. This is the last public hearing to get public input into the EIR and into the Plan. The process which will take place after this will be that all of the comments that are being made, that will be made tonight, and that are being sent in, in writing, will be reviewed, and the



Plan itself and the EIR itself will be amended to reflect the positive aspect of those suggestions. The amended Plan and the EIR will come to the Board in October for final action and so the process today will complete the oral testimony, but there will still be time for written testimony on both the Plan and the EIR.

**Chairperson Cooper:** Thank you, Milt. What that means then, for the Board and for the audience, is what we will do. We will conclude the public hearing tonight after the hearing and testimony from the many people that I have a card from, and there are 42 cards in my hand here. So, 42 times 3 is a lot of minutes and I again would like to ask each speaker to hold their comments to 3 minutes or less if possible so that we can let everyone get a chance tonight to speak. I am going to call the speakers in order of receipt of the cards from the clerk. So, with that, I will open the public hearing and will ask our first speaker, Steve Heminger, to come forward.

## **PUBLIC COMMENTS**

**Public (Steve Heminger):** Good evening, Mr. Chairman and members. My name is Steve Heminger. I work for the Bay Area Council and I also represent this evening the Business Air Quality Policy Committee (BAQPC) which is a group of employers and business associations convened by the Council in the Santa Clara County Manufacturing Group specifically for the purpose of following this process and advocating transportation measures to improve air quality.

E2-P I would like to spend my three minutes responding to some of the concerns expressed by members of the Board at the July 3 hearing at which we presented the statement, I believe you all have a copy. The statement, as you will recall, expressed a good number of concerns about the Phase 1 programs that you propose to implement. We proposed in the alternative our belief that market measures and a market-based approach would be a much more effective and equitable solution to our air quality problem.

Let me say, first of all, that we do not consider the market-based approach to be, as one board member termed it, a delaying tactic, and we do not consider it to be tantamount to, as another board member indicated, sticking our heads in the sand.

We believe, and our belief is borne out by the numbers and statistics in your Clean Air Plan, that the market-based approach is the most effective and equitable strategy to improve air quality. We are also committed to a market-based approach as a tool to fight traffic congestion. As you know, although we are among the best of the nations' metropolitan areas in terms of our air quality, we are among the worst in terms of our traffic congestion. We are willing to work exhaustively and aggressively with the Air District's staff and Board Members to seek legislative authority to implement market-based measures. But, we need a commitment from you that you will work likewise aggressively and exhaustively with us to do so.

On the question of employer programs, we would like you to keep in mind that many of the signatories of our statement have already implemented expensive and extensive ride sharing programs. Employers like Pacific Bell, Hewlett-Packard and Lockheed are notable examples. We acknowledge that the Clean Air Act requires you to implement reasonable available transportation controls. If, therefore, you proceed with Phase 1 programs, we have offered in our statement what we believe are constructive suggestions on implementing trip reduction and indirect source control rules. We would be less than honest, however, if we did not point out now, that such programs will neither be cost-effective nor achieve any significant reduction in auto emissions. That is why we support the market approach. We believe the market-based approach provides a disincentive to driving, and revenues to implement ride sharing alternatives. Therefore, it is in our view, the best possible approach to our congestion and air quality problems.

**Chairperson Cooper:** Thank you Mr. Heminger. We will go to our next speaker, Carl Guardino.

**Public (Carl Guardino):** Good evening Chairman Cooper and Board. Thank you for the opportunity to speak this evening. My name is Carl Guardino. I am the Transportation and Land Use Director for the Santa Clara County Manufacturing Group. By way of reference, the Manufacturing Group was formed 14 years ago by David Packard of Hewlett-Packard. The Manufacturing Group represents 110 of the larger High-Tech companies in Santa Clara County, which employs over 225,000 area residents.

E2-P

The Manufacturing Group strongly supports the BAQPC policy statement endorsing market-based strategies. The implementation of these measures result in the highest reduction of emissions. These measures also provide a disincentive to solo driving, while at the same time raising the funds needed to build an integrated transit and transportation system as an option to solo driving.

The Manufacturing Group stands ready to work with the Air District staff and its Board in seeking legislation to implement market-based measures in a much more timely fashion. Relegating market-based measures to Phase 3, with possible implementation not until sometime after 1997, would set aside the most effective tool available to reduce traffic congestion and have a positive impact on air quality.

The Manufacturing Group recognizes that the Phase 1 measures will be implemented, and recognizes the positive role that the business community can and will play in their implementation. During the rule making process, we strongly encourage the Board to provide maximum employer flexibility in meeting trip reduction goals.

The Manufacturing Group, again, would like to stress its eagerness to work with the Air District to seek the needed legislation to implement market-based measures. I was quite surprised to read press accounts of the July 3rd Board hearing which implied that some members of the Board viewed an advocacy of the market-based measures as a stall tactic by the business community. Nothing could be further from the truth. As you review the record of the Manufacturing Group, for example, you will quickly be reminded of the pro-active and positive role we have long played in seeking remedies to the region's traffic congestion and air quality challenges. To name a few, the Manufacturing Group:

- \* Played a lead role in writing Santa Clara County's model Trip Reduction Ordinance.
- \* Worked with our member companies in implementing and expanding their employer-based rideshare program. Over half of our member companies have ridesharing programs in place even though it is prior to the Countywide adoption of an ordinance.



- \* Is chairing Santa Clara County's Beat the Back-up/California Rideshare Week effort to make people aware of the options to solo driving and to encourage long-term individual behavior change.
- \* Actively supports AB 434 by Assemblyman Byron Sher, to increase vehicle registration fees to help fund the California Clean Air Act.
- \* Actively supports SB 210 by Senator Kopp to increase bridge tolls by \$1, to raise funds for transit improvements.
- \* Serves on the Air District's Public Education Advisory Committee, which is helping to create and direct the Air District's education campaign.
- \* Serves on the Air District's Speakers Bureau, to convey the clean air message to the community.
- \* Is working with the District to coordinate its strategy to implement intermittent controls. In that effort, providing a venue to the District to meet with our major employers to develop an effective program.

**(from written report)** While all these steps are worthwhile and necessary, the most important step is to work toward an earlier implementation of market-based measures. Again, the Manufacturing Group stands with you to seek legislative authors and support for market-based strategies. Market-based measures offer the highest reductions in emissions and must be pursued aggressively and in a much more timely fashion than currently planned if we are truly going to have an impact on further improving our air quality. Thank you again for your time and interest.

E2-P

**Chairperson Cooper:** Thank you. Our next speaker is Jim Tucker.

**Public (Jim Tucker):** Good evening Chairman Cooper and Air District Board members. I am delighted to be here and really appreciate this opportunity. My name is Jim Tucker. I am representing the San Jose Metropolitan Chamber of Commerce. The Chamber was among those organizations drafting the policy statement you have received from the Business Air Quality Policy Committee. That statement, we believe, represents positive suggestions for the employer-based TDM programs contained in

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the Clean Air Plan, implementation of indirect source controls, the public education program, and of course, our belief in the need to shift the Plan emphasis to market-based strategies. The Chamber used a set of criteria to help guide us in our support for these ideas and we hope you will use these same criteria in your deliberations.

Among those we considered was the issue of equity. Market-based strategies attack the root of the transportation related smog problem, the single occupant auto. We also considered the need to maintain local control, even though we are now seeking to solve the regional issue. Cities, counties and now congestion management agencies should be delegated as much implementation responsibility as possible. The final consideration of our most important trio included easing the financial and regulatory overload facing businesses. We certainly need environmental regulation, but what we have are four government levels, Federal, State, Regional and Local, enforcing literally dozens and dozens of laws. The simpler we can keep the Clean Air Plan, the better. In short, we urge your support for the BAQPC concepts. We commend this Board and the Air District staff, as well as that of the MTC, for their openness and flexibility during the past hectic months as this Plan was drafted. We hope this same philosophy will apply as the rule making part of this effort begins. We will continue, with your permission, to offer a business prospective, which we hope you will find useful.

**Chairperson Cooper:** Thank you Mr. Tucker. Our next speaker, Mr. Dan McLaughlin.

**Public (Dan McLaughlin):** Good evening. My name is Daniel McLaughlin and I work for Bank of America. I would like to thank all of you for coming out tonight and giving us the opportunity to speak. First, I would like to make it clear that Bank of America strongly supports the California Clean Air Act primary goal, continued improvement of the region's and of California's air quality. B of A firmly believes that all Bay Area citizens must have a healthy environment in which to live. Furthermore, B of A knows that its long run business success requires clean air and a high quality of life here in the Bay Area. Moreover, B of A does more than simply say it supports a clean environment. It implements a wide range of programs that requires B of A money and B of A staff time. Examples of some of these programs are:

- \* Enthusiastic promotion of ridesharing for our employees and our co-sponsorship of California Ridesharing Week.
- \* In San Francisco, where B of A has its largest concentration of employees in California, about 80% of our employees use alternative commute modes such as mass transit and car pool.
- \* In Concord, the location of a major concentration of B of A employees in northern California, our trip reduction program includes preferred parking for van pools, coordination of van pools, alternative commute rallies, sale of mass transit passes on site, and an employee transportation coordinator.
- \* In southern California, our employer trip reduction program has been recognized as a leader, complying with the spirit as well as with the letter of the law.
- \* Earlier this year, B of A adopted a set of environmental principles that have resulted in a wide range of conservation measures ranging from recycling thousands of tons of paper, to helping protect the rain forest.

In sum, B of A is more than willing to do its part and recognizes doing so will cost it money. We along with other employers represented by BAQPC would like to see changes in the CAP as currently drafted for two reasons.

First, as proposed in the draft Bay Area Clean Air Plan, the initial phase of the TCM element will not make Bay Area air significantly cleaner but will force commuters and employers to make costly changes in their lives and business practices.

Second, the Clean Air Plan as currently drafted, ineffectively places the burden of clean air on a group that can not possibly make a major dent in air pollution, commuters and their employers.

Finally, B of A and BAQPC hope that the BAAQMD and the California State Legislature will enact a market-based strategy to obtain compliance with the Clean Air Act. The Air District has estimated that such a strategy would substantially reduce auto emissions much more than the initial phase TCMs that are in the current Draft CAP.

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Revenue generated by a market-based strategy, we think, should be used to benefit directly and equitably those paying the fees through timely transportation improvements. B of A and BAQPC hope that through sincere and productive dialogue we can find the means to which compliance with the Clean Air Act will be achieved. Again, thank you very much for this chance to speak.

**Chairman Cooper:** Thank you Mr. McLaughlin.

**Supervisor McKenna:** Are we allowed to ask questions, Mr. Cooper, of the speaker?

**Chairman Cooper:** We can ask questions, but we are not going to debate any issues.

**Supervisor McKenna:** OK. May I ask a question of the speaker? I wondered, as someone who uses a modem to connect myself with Bank of America, thereby being a customer that doesn't have to drive to a facility. I wondered, number one, are you looking, has your company taken a look, at having that available for your employees so you can deal with that through an employee base, and are you taking a look at doing that for other members of the public or your customers in a way that might reduce the cost and make it more attractive?

**Public (Dan McLaughlin):** I can't speak to what we might be doing for our customers. I honestly don't know that end of the operation, but in terms of telecommuting for our employees, it is something we are very actively considering and, in fact, I count myself as a guerrilla telecommuter to work. So, we think it could be a very, very attractive option for a number of our employees.

**Supervisor McKenna:** OK. Thank you.

**Chairperson Cooper:** Thank you sir. Our next speaker will be Gene Hedicot.

**Public (Gene Hedicot):** My name is Gene Hedicot. I am the Bay Area Government Affairs Manager with Hewlett-Packard in Palo Alto. Since you have already heard HP referenced twice, I figured you might as well hear directly from someone who works for

that company. Thanks also from me for the opportunity to speak tonight. In addition to offering our own prospective on the transportation element of the Plan, I also just wanted to briefly state that we are supportive of the positions taken by the Business Air Quality Policy Committee and the Santa Clara County Manufacturing Group. We are members of both of those organizations and were involved in the development of those positions. I would also like to just briefly summarize just three key points for your consideration before your finalize the Plan.

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First, HP believes that programs based on market principles, a term you have heard repeatedly over the last several months I know, are clearly the most promising in terms of their equitability and large impact on further cleaning the Bay Area's air. These programs have the potential to address all vehicle trips, not just the 20% associated with commuters, and they do not single out one group such as those who work for large companies. These market-based programs should be considered sooner than 6-10 years from now.

Second, HP recognizes that employers do have a role to play in helping to achieve clean air standards. We have, for example, provided a variety of commute program services to our employees since the mid 1970s. We expect to continue refining it and expanding these programs in the future. Why, then, are we at all concerned with the employer-based programs outlined in the Plan? Primarily because it is extremely important to us that any employer-based transportation demand ordinances provide for flexibility and implementation. We have approximately 28 sites in the Bay Area with nearly 23,000 employees. Some of our facilities are our own, while others are leased. The activities they house include manufacturing, sales, research and development and training. Across the board mandates would be very difficult for us to implement given these varying circumstances.

Finally, HP would like to encourage the District to explore in greater depth the role that technology based solutions might play in dealing effectively with air quality. We have instituted the use of alternative use vehicles on a pilot basis for our southern California sales office fleet, and we feel the potential positive impact of these technological advancements should be more carefully considered for implementation in this area. Thank you once again for your time.

**Chairperson Cooper:** Thank you Mr. Hedicot. Our next speaker, Mr. Mike Vandeman.

**Public (Mike Vandeman):** Thank you. My name is Mike Vandeman. I am representing the Modern Transit Society and the California Transit League. There is a long tradition in the Bay Area among its corrupt government agencies of lying. When I first moved to Berkeley, 1961, East Bay MUD had a big neon sign that said, "pure ater". After I talked to them, they got rid of that sign. This is a publication of the BAAQMD, 1985, saying that 30 years of progress, which is a lie. There were not 30 years of progress. A lot of years when there was not progress, that was what our lawsuit was about. There is very little effort in this Plan to reduce emissions from the automobile. In fact, a lot of the measures actually promote automobile use. For example, signal timing helps people drive better; expanded highways obviously promotes auto use; free parking at BART stations, which we are building as fast as we can, that kind of thing. Also, there are not details given in the EIR so that we can judge the results. We just have to use our common sense. I believe there should be a contingency plan with teeth, in case the goals are not met, which they are not going to be.

I have a Phd in psychometrics, which is the scientific basis for computer modeling, so I thought I would talk a little bit about modeling. The numbers you published in your addendum and emissions reduction and cost effectiveness estimates are all modeled by a computer, and you state in the EIR that this process is beyond state of the art, whatever that means. As far as I can tell, what that means is maybe they have more lines of source code than anybody else, but that's totally irrelevant. The only important criterion to modeling is a scientific criteria of reliability and validity, which none of the people involved even understands what that means. Let me use the example of a bathroom scale. You want it to measure your weight. Reliable means that every time you weigh yourself within a few-month period without eating, you get the same result, basically. You have to publish that number to know whether it is reliable or not. MTC hasn't done that. Validity means, are you really measuring what you say you are measuring? When you have a bathroom scale, you calibrate it by turning a little wheel to make it hit zero, but that is not enough. You still don't know that you are actually measuring weight, and the validity of MTC's models has never been measured. MTC doesn't even understand what validity means, or



reliability. You have to publish these two figures, reliability and validity, which are correlation coefficient. Thank you.

**Chairperson Cooper:** Thank you Mr. Vandeman. Our next speaker is Trish Molvey.

**Public (Trish Molvey):** Thank you. My name is Trish Molvey and I am speaking on behalf of the Santa Clara Valley Audubon Society. I, too, want to thank you for this evening's meeting. The Audubon Society certainly, strongly encourages you to adopt a strong clean air plan which supports convenient and environmentally responsible, accessible mass transit, and help reduce dependence on private automobiles in order to reduce air pollution.

But, that's not the issue I want to ask for your help with tonight. My concern is the pollution of San Francisco Bay and our streams and creeks. Pollution that is associated with automobiles and automobile-related pavement, like roads and highways and parking lots.

First, let me briefly describe the pollution I am talking about, and then explain why it is important as an issue for this Board. The automotive toxics that affect the Bay are from tire wear, engine wear, as well as from oil and gas leaks and other fluid leaks that winds up on the pavement, as well as from particulate from tail pipe emissions. All of these end up either as road dirt that's washed into storm drains when it rains and then goes through those storm drains and runs directly to creeks and rivers in the Bay without treatment except here in San Francisco, or the toxics or particulates that are blown around by the wind and wind up on roof or other impervious surfaces and then they are washed off by the rain into the storm drains. Research done for the Santa Clara Valley Water District has shown that these poisonous run-offs occur during storms and are acutely toxic to aquatic organisms and also contribute a substantial amount to the pollution of the Bay, especially the South San Francisco Bay, which has been identified by the State Water Board and the Environmental Protection Agency as a toxic hot spot, which needs priority attention for clean up under the Clean Water Act, and that's why I am here tonight to ask for your help. This summer, the Regional Water Quality Control Board is starting to work on updating their San Francisco Bay Basin Plan policies to address toxic discharges from public roads and highways. I attended their workshop on Monday. This week, their staff gave briefing on this

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**E2-P** problem. During the discussion, the concern about this automobile related toxics that get into the Bay was specifically mentioned. It was emphasized that the regulatory and enforcement programs of the clean air and the traffic congestion management plans also need to consider Bay pollution prevention measures, since these plans have a direct impact on automobile use. That's really why I am here tonight, to ask that you acknowledge this problem, that you recognize the opportunity you have to help restore a clean and healthy Bay. At the same time, you are addressing the more traditional air pollution concerns which are important to all of us. Thank you.

**Chairperson Cooper:** Thank you Trish. Our next speaker will be Greg Karras, followed by Meredith Anderson.

**E2-P** **Public (Greg Karras):** Thank you Mr. Chairperson and members of the Board. I am Greg Karras, speaking for Clean South Bay, a coalition of more than forty organizations representing environmental, fishing, sporting and business interests. My main message is that the same problems that pollute our air chokes San Francisco Bay with toxics when storms sweep these pollutants out of the air and off the streets into the Bay through storm sewers. I also bring a warning that foreclosing prevention of this pollution at the source maybe more costly to our cities than any measure that is now being discussed in this Plan. As Trish Molvey stated, the State Resources Control Board and the U.S. EPA have found that the South San Francisco Bay now violates toxics standards, Clean Water Act standards, because in large part by poison runoffs from storm drains in the area. Heavy use of cars is the major cause of cadmium, lead, zinc and other toxic pollutants in this runoff.

I have got a couple of overhead projections I would like to show you. The first one really illustrates this problem. This is a series of bar graphs. Starting from the left, the estimate of lead in gasoline is calculated from State Air Board measurements and MTC data. Then, measurements of lead in auto emissions is from the State Air Board air toxics inventory, as is the estimate of lead in entrained road dust. On the right side, the black, the minimum lead in annual runoff is from measurements done by Woodward-Clyde consultants in Santa Clara County drainage and South San Francisco Bay, and the 36,000 pound per year lead estimate above it in the broad cross hatch is the maximum estimate that would occur in a wet year, they believe. So,



looking at these data you can see that lead in gasoline is being emitted from car tail pipes, in dry weather it's ending up in road dust and in the air when the wind blows, and in wet weather it's being washed into San Francisco Bay. That's the picture.

The next overhead, rather than illustrating the problem illustrates the solution. National Highway data show that reducing vehicle use will reduce water pollution at the source. This is a graph, at the top for lead, bottom for zinc. The vertical axis is increasing concentrations in runoffs from highway; the horizontal, increasing traffic. As you can see, it's associated about 88% of the lead, 98% of the zinc concentrations are explained by increasing vehicle use. Finally, what does this mean to cost and to what's feasible? If poison runoff violations of the Clean Air Act are not stopped at the source, in three years time, cities and counties themselves estimate that end of pipe treatment to try to mitigate this pollution will cost each municipality, I quote, "hundreds of millions of dollars". For the price of lost fisheries, a polluted Bay, a multi-million dollar mitigation cost to each municipality, we could buy a lot more transit, and a lot less vehicle use than any of the alternatives in your plan that I have looked at today. The EIR must address these impacts and costs, and we urge you to do so. Thank you.

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**Chairperson Cooper:** Thank you. Our next speaker as I previously announced is Meredith Anderson, to be followed by K. Christie.

**Public (Meredith Anderson):** Good evening. My name is Meredith Anderson. I am the Director of Public Affairs for Lucky Stores. Lucky, as you know, is a major food retailer in California. Our company operates 123 stores in the Bay Area and we employ approximately 15,000 people in the nine Bay Area counties. We have followed the drafting of the Clean Air Plan with great interest. Because the Bay Area is our home base, Lucky is particularly concerned about the quality of our air. But, even more, we are concerned about the control of traffic congestion because traffic congestion can promote poor air quality. To that end, Lucky and the retail food industry have instituted a number of measures which have resulted in reduced traffic congestion and we believe improve air quality. In many locations our stores are open 24 hours a day. This allows customers the flexibility and ease of shopping day or night and gives them an opportunity to make their trips to our stores in off-peak hours. Similarly, where local



ordinances allow, our trucks make night time delivery to our stores. We find this saves both time and fuel as we avoid traffic jams. Our labor scheduling, which calls for employees around-the-clock, means that our employees are generally not peak-hour commuters and thus not contributing to the rush-hour gridlock. Also, whenever possible, employees are placed at the store nearest their home to reduce commuting and regional traffic congestion. Additionally, we have developed larger stores offering more services, including banking, pharmacies, and delis and bakeries. This "one stop shopping" reduces the number of trips our customers make each day.

We support the continued efforts to improve California air quality. However, we believe that two issues should be given careful consideration.

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First, transportation control measures must be evaluated according to their cost effectiveness, public acceptability, and enforceability. High-priced programs which lead to minimal improvement in air quality are not the answer.

Second, the goals we must reach for clean air are aggressive. Everyone must pitch in. Employer-based trip reduction is important, but it is not the only approach nor necessarily the most cost effective. Phase 1 of the Plan should also include market-based strategies where the revenue from these strategies could be used to directly benefit those paying the fees.

We also believe the following issues should be considered as the District forms the rules for the Clean Air Plan:

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1. A flexible approach to the employer-based trip reduction program is critical. Every business is unique, and what works at Lucky may not work for every other employer.
2. Where possible, employers should be given credit in the calculation of the AVR for hiring employees who reside within 5 miles of the work site or for shifting employees to off-peak hour work schedules.
3. Employers with multiple sites should be allowed to average the AVR rates across all their sites to achieve a total target AVR.

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4. Parking fees for employees and retail customers should remain an option, and only an option. Lucky opposes parking fees because they are impossible for us to enforce due to our multiple locations in residential communities and commercial centers.
5. We encourage the Air District to adopt indirect source control measures that are practical and follow a thorough cost benefit analysis.

Thank you for considering our comments.

**Chairperson Cooper:** Thank you very much Meredith. Our next speaker is K. Christie, to be followed by Clayton Mansfield.

**Public (K. Christie):** Thank you for providing me this opportunity to interact with you. My name is Katherine Christie and I am a 50% service connected disabled Vietnam veteran. I came here as an individual as well as an informal volunteer of disabled American veterans and Bay Area Women veterans to discuss one problem concerning traffic congestion and disabled people. At the present time, when a bus is not able to stop directly at the curb because of cars that are already parked there, the driver has the voluntary responsibility of deciding whether or not to lower the steps. This is a problem for some of us. What I would like to suggest is that voluntary responsibility be made mandatory. It would reduce the time that I personally would get on the steps by 1/3 to 1/2, and during the peak commuting hours it would help reduce congestion because more of us are being encouraged to main line down town. That is what I have to say. Thank you.

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**Chairperson Cooper:** Thank you very much. Our next speaker, Clayton Mansfield, to be followed by Jessica Wooley.

**Public (Clayton Mansfield):** Good evening. My name is Clayton Mansfield, representing the Sierra Club this evening. Business leaders have already unleashed their paid lobbyists and PR people to cry wolf. The hue and cry is already being raised that the standards in the California Clean Air Act are too tough, the plan will cost too much and jobs will be lost. It is easy to say that in press releases and in ..... pieces in

the newspapers, but I would like to hear these paid lobbyists make that same argument in front of a room full of people. The elderly, children, athletes, people with respiratory illness, the disabled and just plain folks whose health is at risk when the air is unhealthy. The fact of the matter is that even if the standards in the Clean Air Act were met, the air would not be clean. It would simply be less dirty. We owe it to ourselves and our children to take the steps that are necessary to make sure that the Plan complies with California law.

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The Sierra Club supports parking fees as a mandatory Phase I measure. Business opposes mandatory fees by claiming that commuting constitutes just 20% of all trips. This statistic is misleading because it fails to consider that commuting trips as a percentage of trips during peak hours, rush hour, has to be higher than 20%, and it doesn't consider commuting as a percentage of total vehicle miles traveled. Well, the Sierra Club agrees that all vehicle trips need to be reduced. Commuting is a important part of the problem and should not be overlooked.

We support an aggressive indirect source review program. Delegation to cities and counties of the implementation of the rules without adequate oversight and control by the District will defeat the purpose of the Plan, because no local governing body has the breadth or vision required to insure that new indirect sources will not increase emissions.

We support more rapid implementation of control measures. Many stationary source control measures will not go into affect until 1994 or later. No adoption dates are given at all for any of the TCMs. Obviously, the sooner the District and the staff of MTC and ABAG get to work on implementing this Plan, the sooner emission reduction will be achieved.

Finally, we support an overhaul of the inspection and maintenance program for motor vehicles. The benefits of what's already in the Plan should not be underestimated. Research from studies done by scientists in the University of Denver shows that much of the emissions are caused by cars that are poorly maintained or have been tampered with. Catching these smog offenders, random highway test check points, would do a lot to improve air quality.



We should not shirk from the responsibility that the Clean Air Plan imposes because of a lack of will. We ask you to take the steps which are feasible and necessary so that the Plan complies with California law, so that all of us will have cleaner air to breath.

**Chairperson Cooper:** Thank you. Our next speaker, Jessica Wooley, followed by Nancy Skinner .

**Public (Jessica Wooley):** Hi. My name is Jessica Wooley and I am from the Sierra Club Legal Defense Fund, representing the Sierra Club. I am here tonight to yet again remind the District of the legal implications of the California Clean Air Act. We previously submitted written comments and public testimony on the Bay Area Draft CAP and have since met with the District's staff to discuss legal issues. As you should know by now, our main concern is the Draft CAP does not meet the key goals of the CCAA. Under the current plan, the Bay Area will never attain ambient air quality standards for ozone. The District attempts to avoid the 5% per year reduction in non-attainment pollutants and states that they are instead implementing all feasible measures at an expeditious adoption schedule. But the District does not do this. The District's proposed measures are a far cry from all feasible measures. Recently, other environmental groups have submitted a list of measures that are feasible. We will be submitting a database that compares the Bay Area control measures to four other districts in the State. This information clearly demonstrates the Bay Area is not proposing measures that other districts have found to be feasible. It also demonstrates that the Bay Area District stands out as the only district that does not propose detailed rules, rather concepts of rules, that they will propose in the future. As a result of this oversight, the Draft Clean Air Plan insures the implementation process will be slow. It also denies the public and the Air Resource Board information that would be necessary to analyze a real air quality plan. Tonight, the environmental community has come together to criticize the Draft Clean Air Plan for many different reasons. They have researched specific measures the District should include in the Clean Air Plan. We encourage the District to take action, and we will continue to encourage the District to at least meet the minimum requirements of the CCAA. Thank you.

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**Chairperson Cooper:** Thank you very much, Jessica. I understand that Nancy Skinner is not yet here, so, I am going to put her card back a little bit. I would like to, at this point, announce that we have had turned into us a credit card who may or may not be in this room. The name is Karen (I am going to spell this) Dzienkowski. If Karen is here, she may provide some identification to the Clerk and we will give you your card. I will then call the next speaker which will be Jim Stallman, followed by George Amaroli.

**Public (Jim Stallman):** Thank you. I am Jim Stallman representing the Sunnyvale Bicycle Committee. On page 32 of the CAP '91, it is stated that the Bay Area will fall short of reducing reactive hydrocarbons and nitrogen oxide emissions by 5% annually. If bicycling were afforded Caltrans' standard facilities, it could easily achieve 10% of commute trips. My involvement with bicycling advocacy has for the most part been in trying to minimize the continual loss of bicycle facilities such as access and lane width. This downward slide must be reverse. Specific items I couldn't see added to Table 7 would be the following additions:

Page 40, the bicycle section, which is quite brief. There should be financial incentives, removal of barriers along commute corridors, arterials are to meet Caltrans standards, remove unlawful bicycle prohibited signs, and transportation and utility corridors are to be made available for bicycle routes.

On page 43, under voluntary programs, the school curriculum to include bicycle use education. Thank you.

**Chairperson Cooper:** Thank you very much, Jim. Your specific points are welcome. Our next speaker, George Amaroli.

**Public (George Amaroli):** Thank you Chairman Cooper, it's good to be here. I am concerned that your Draft Environmental Impact Report does not address the increasing problem of wood smoke in the winter months from November through February. I live in East Novato and it's very bad. You know your winds prevail from the west, and they blow everything towards you and people are indiscriminate about the type of wood and other products they place in their stoves and the continuing proliferation of additional stoves is a problem, particularly those that do not have

catalytic converters. The later model, but before the standards, efficient stoves are among the very worst. People start a fire early in the evening then they choke the stove down so it barely heats to continue to sustain the heat in the home and the thing turns out by-products incredible in smell and in air pollution unparalleled at any time of the year. There are communities that have serious problems, Petaluma in Sonoma County, Cloverdale in Sonoma County. We are reading about it throughout the papers. Novato is getting serious in those months. You can smell it throughout the shopping centers. The only people that buy the ones that have catalytic converters, that meet the July, 1990 EPA standards of 4.1 grams per hour emissions, are farmers who breath their own smoke. I suggest to you that the quicker we start attacking this problem the better. People consider wood heat because they think it's efficient. There is nothing more efficient and cheaper to heat your house with than a modern, efficient gas furnace using natural gas. Many of these same folks contribute to air pollution by using chain saws to cut the wood. It also contributes to noise pollution in the community, something that should be avoided. Primarily the wood smoke problem is during day time hours when you are trying to enjoy your property in winter months and work in your yard and so forth, and in late evening hours when many people would like to ventilate their homes and can no longer do so without the addition of an electronic air cleaner. I would like to suggest a series of paths toward the solution. The first item would be public education, to use your stove properly, not choke it down. Try to eliminate as much pollution as possible and then a gradual encouragement to use natural gas as the preference fuel to heat your house. I can submit data to you that it is the cheapest, unless you have free wood and many who get free wood, get green wood and worst. Following that, we should go toward replacement with catalytic type stoves. Thank you very much.

**Chairman Cooper:** Thank you, sir.

**Sup. Al Aramburu:** Mr. Amaroli, if I may, through the chair, since I am your Marin County-representative, I want you to know that we do have a program coming before the Board this winter. A voluntary curtailment program. And we do have some documentation on wood burning stoves, and the kind to have, and will talk about an education program. If you would like to leave your name and address, I would be glad to have staff forward some information to you relative to what we have done and what



we will be doing shortly. This problem is also down on the Peninsula. Woodside, for example, no pun intended, has had some problem with that and so I can advise you that we are moving on that expeditiously.

**Public (George Amaroli):** Mr. Aramburu, I thank you very much. I certainly will leave my name and if there is any possible way that I can help, please call upon me.

**Chairperson Cooper:** Thank you sir. Before I go to the next speaker, could I ask if Nancy Skinner has joined us yet? Ok, then will go to Bill Zowman, followed by Irving Doward.

**Public (Bill Zowman):** I have a couple of ..... graphs I would like to show. I ride my bike to work quite a bit and out of curiosity, with several friends, I was wondering exactly how fast we would go to say public transportation. I am on an electronic mailing list, so I sent out a message to a whole series of people who ride their bikes to work regularly and ask them to report their travel times. This included the travel time by bike, round-trip, including both mornings and evenings since you might be going up wind when conditions are bad. Also, the total time by public transportation, including the walk to and from the bus stop, the wait for a bus, and so on. Have the data shown up there, the one caveat is that we have a small sample and we didn't have any way of controlling who responded or knowing whether it is representative. But, the results were that by using a bicycle compared to public transit and with the current level of service, you would save somewhere between 10 - 15 minutes a day on bike. It was all sorts of people. In my case, I have a four mile commute. One person beat both light rail and Caltrain going from South San Jose by the Oakridge Mall Station to Palo Alto. That sounds incredible. The catch is, of course, that light rail and Caltrain don't currently connect, so you have to use a bus or walk and there is a mismatch in schedule. That's were the real delay is. If Jim would please show the next graph, I will show you where some of that happens. This graph has three lines on it, the two to the right, I am sorry, the two to the left are the bike signs for me. I timed it, it was 15 minutes one way, 18 minutes depending on how much effort I want to put out over about 4 miles. The other line is what happens by bus. Most of the delay is not the bus itself, it goes fast enough. The delay is the wait for the bus and walking to and from the bus station, the bus stop, and the time needed for transfer, safety margins so

you can get on it. Given those results, what I would suggest is that perhaps bicycle facilities should be a little bit higher up on the list than they are currently. Thank you.

**Chairperson Cooper:** Thank you very much Sir. Mr. Doward.

**Public (Irving Doward):** Irving Doward, Palo Alto. Back on July 3, I spoke to the short-comings of the Plan. While my criticisms remain the same, my perspective has changed 360 degrees. I feel that this Plan is in trouble. I say that after having heard the Santa Clara County Transportation Commission basically tear the Plan to shreds earlier this month, and then just on Monday, I heard my own city council meet and they basically condemn the Plan as being unfeasible. Both groups basically believe the Plan will result in "economic hardships". A Santa Clara County Transportation Commission member exemplified that hardship by explaining that residents would be unwilling to pay \$3.00 for parking when shopping at Safeway and somehow this would result in the spoiling of all frozen food purchased because it would take too long to get back to where their car was parked at no charge. This is not economic hardship. Economic hardship is when you don't have the money to go shopping, not when you simple just want to avoid the parking charge. Last night when I was doing my dishes I was listening to KQED FM replay of Tuesday's All Things Considered. I heard them discuss the current heatwave in the mid-west. It was really very interesting to me and to the commission, I would think, too. Apparently, one of the effects of this heat wave was to increase ground level ozone levels, and that in turn required alert to the population to remain indoors, and then, I think it was Nina Totenberger or one of the reporters I forget who it was, she asked the science reporter what ozone did to the body. I almost dropped my dishes. I heard the most graphic description of how ozone destroys the lung and other internal body parts. It was frightening, and that's the message I want to convey to you tonight. We the people of the Bay Area, those who drive, those who don't drive, those who take transit, those who take the bus, those who drive the car in their own single occupant vehicle, we are all the same. We are all Bay Area people and we are all breathing this air. Please think of our health when you implement this Plan. We have figuratively placed our lungs in your hands. The so-called perceived economic hardship that many of our civic and business leaders feel that this may cause pale in comparison. I just wish to leave you with that message tonight. Thank you.



**Chairperson Cooper:** Thank you Mr. Doward. Our next speakers in order will be Michael McGill, followed by Helene Willson.

**Public (Michael McGill):** Thank you Mr. Chairman. My name is Michael McGill. I am here on behalf of the Bay Area Economic Forum. I would like to address two subjects. One is the market-based approach and the other is your Plan. As I followed the debates over the last year on this issue and made many presentation about it following our release of the report last year, I noticed there is confusion about what a market-based approach is, and indeed parking charges have been called market-based approach. Market-based approach says, people should pay the true cost they are imposing on society by the way they choose to travel and what they travel in and every component of the decision stream. Do they drive a heavily polluting car or a clean car? Do they travel during the peak commuting period or off peak? Do they drive on a congested roadway or not? Do they drive at all? Do they car pool? When they get to work or do shopping, do they park for free or do they pay for parking? Another crucial component of the whole market-based approach is that the revenues it generates must be used to provide low cost alternatives at the same time that the fees are being charged. So, you don't charge the fees now and provide the alternatives later.

In essence our approach encompasses Phases 2 & 3 of your Clean Air Plan. Provides the alternatives, car pool lanes, transit and so on and when they are in place, charge the fees that help finance their very operation and development. So people have a choice, they don't need to pay more, they can travel more easily at less congestion, at less cost, if they so choose.

Now, unfortunately the Clean Air Plan as it is now drafted, stands reason on it's head. It takes the least effective, most unfair approach as Phase 1 and the most effective approach and says several years down the pike if we get legislative approval then maybe we will do it.

We are concerned with the reliance on employer-based trip reduction and on parking fees. They do not provide for alternatives, so employers can't say to their employees, here's transit increasing out the door. There are more car pool lanes. If



the employer charges parking fees the employer can not say, while you are paying more you have choices, you need not drive alone and pay for parking.

Now we understand the dilemma you face, the problem the law places you in where you must use reasonable available control measures, but we are disappointed in what we perceive to be a complacency in the Clean Air Plan. We think and we want you to be much more aggressive. We will work with you to go to Sacramento and get the enabling legislation. We want you to tell the Air Resources Board and the State Legislature, "It's your law and if you want us to comply with it and achieve reasonable further progress and do everything feasible, we need more feasible things to do than the law now allows". With that approach, you will alleviate congestion and clear the air in the Bay Area. Thank you.

**Chairperson Cooper:** Thank you Mr. McGill.

**Supervisor McKenna:** I have a question, If I could. I would like to know, how the single head of household who lives in Stockton and works in Santa Clara County has an alternative to the automobile under the market-based strategies.

**Public (Michael McGill):** We would anticipate something along this following scenario. That you would announce and have legislative authority to announce that at some specific date in the future you would impose congestion tolls on roads and bridges, higher gasoline gas, parking fees and smog fees based on how dirty your car is. It is easy to calculate. Not easy, but it is straight forward to calculate the revenue stream those fees would generate. You could then say, ok, now we are putting in a region wide network of car pool lanes, we are putting in expanded bus service in low density areas and rail transit in high density areas so people in that situation would have alternatives. They could car pool in car pool lanes and get to work much faster than is now the case, or they could take transit. Right now the situation you have instead, with this Plan, is that .....

**Supervisor McKenna:** I don't know how this person is getting from Stockton to Santa Clara County, that was the question.

**Public (Michael McGill):** What we do is add transit financed by the market-based approach so that person has the choice of either taking car pools or transit to get from Stockton to Santa Clara, as opposed to right now. Whereas, the employer of that person would say, well you are going to pay a parking charge or you have to car pool but I, your employer, can't provide car pool lanes and can't provide transit and furthermore I your employer recognize that .....

**Chairperson Cooper:** Mr. McGill let me stop you. Dianne did you get an answer to your question? Thank you.

**Public (Helene Willson):** Dear Chairperson and members of the Board. I am here tonight representing Communities for a Safe Environment.

**Chairperson Cooper:** Would you give us your name please.

**Public (Helene Willson):** My name is Helene Willson. I am here representing an environmental group of over four hundred and fifty people based in central Contra Costa County. Our group wishes to urge the strengthening of the Draft Clean Air Plan. The time has come when this District must stop procrastinating and get on with the task of ensuring that all industry changes to reduce risk to the public and improve air quality. This District should not have to entice industry to make the necessary changes by offering reduction credits or extending compliance dates. The oil companies are making huge profits. They aren't going to fold up and move away if all the districts come up with the same tight restrictions. Their bottom line potential is too great. The key words here are, the same tight restrictions between districts! Companies will move their production around if they can find an easy way out. A perfect example is Shell Oil. The restrictions placed on Shell at the Wilmington refinery in the Los Angeles basin resulted in Shell deciding to close that refinery and pick up a major portion of that production within their Martinez refinery. If the restrictions were equally strict in all districts, Shell might be more inclined to properly deal with their emission problems rather than move their production around.

Communities for a Safe Environment emphatically requests that all-inclusive refinery permits utilizing overall caps on emissions be reversed immediately. These

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"bubble permits", based on average figures of pollutant emissions of ten years ago, allow the oil companies, where we live, to avoid specific compliance with volatile organic compound standards. They allow many oil companies, where we live, to continue business-as-usual practices of dumping carcinogenic and other toxic pollutants into the air we breathe, negatively affecting our quality of life, the ozone layer, and producing greenhouse gases. These vague overall permits are being used by companies to accomplish uncontrolled expansion by "banking" pollution credits from areas that they "clean up." They allow oil companies to avoid full permitting processes which includes EIR's. In effect, this has allowed industry to practice business-as-usual, disclosing little, if any, information to the public regarding the pollutants they are being exposed to.

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(CONT.)

The time has come for this District to adopt stricter controls that will, in effect, require oil companies to switch over to all available new technologies. For example, technology now exists to reduce fugitive emissions from valves and flange seals. The current system of inspections by the District is inadequate to handle the recurring maintenance problems within the oil companies. The only real solution is to require upgrading within a reasonable time frame (say within 2 years) of when new and better technology becomes available.

We strongly urge flare controls. The flares are being used by the oil companies in our area on a very regular basis. Much more than would be supposed in "emergency only" situations. Immediate controls need to be implemented at the earliest possible date. The flares are being used almost on a daily basis!

Communities for a Safe Environment urges this District to do much more than pay lip service to its commitment to clean air. We ask that the new Clean Air Plan set substantial emission reduction goals and require compliance within the next two to three years, not five to ten years. We ask for a thorough review of all the health and environmental risks, as well as the related costs to the public of all the emissions resulting from big business continuing to collect its big bucks. We think that you will find, as we already believe, that there's no question that the cost to the public will be much greater if stricter controls are not implemented. Thank you.



**Chairperson Cooper:** Thank you Helene. Our next speaker is Ken Schriber followed by, I believe, three people who want to speak as a team. I will call those names out in a moment but that's the American Lung Association group. Mr. Schriber.

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**Public (Ken Schriber):** Thank you and good evening. My name is Ken Schriber. I am Director of Planning for the City of Palo Alto and I am here tonight to transmit to you the Palo Alto city council comments. Let me start, you heard a Palo Alto resident indicate some minutes ago that the Palo Alto City council condemned the Plan, and that is absolutely not true. Palo Alto city council did not in any way condemn the Plan. City council comments were adopted unanimously. Let me first note that the first comment is that the city council commended the District's staff for their thorough analysis of the control measures and issues in the '91 CAP. Let me also comment on two policy related issues. The first is that the City requests that restrictions on woodburning be included as a mandatory control measure, some way or another in the Plan. Second, and this is the item that I think Mr. Doward disagreed with, the City council reiterated its continuing strong support of the goals for the CCAA but expressed concern about the consequences of the Plan's conclusion that there is "no practical strategy for meeting the State ozone standard." A number of possibilities exist to modify existing standards and attainment criteria to make compliances with State standards feasible, while still maintaining serious efforts toward meeting the widely accepted goal of improving California's air quality. Therefore, the city council urges the District to adopt a policy of working with legislators and Air Resources Board staff to promptly consider amendments to the State's attainment criteria standards and amendments to the California Clean Air Act. Thank you.

**Chairperson Cooper:** Thank you. My next group, I am not sure whether there are three separate speakers, or are you going to speak as a group?

**Public:** Three separate speakers, we just wanted to come one right after the other.

**Chairperson Cooper:** Alright. Then Beth Hutchinson will speak first, followed by Robert Aris, followed by Mary Fryer.

**Public (Beth Hutchinson):** Chairman Cooper and Members of the Board. My name is Beth Hutchinson and I am the Coordinator of the Bay Area Air Conservation Project of the American Lung Associations of the Bay Area. We appreciate this opportunity to comment on the Draft Clean Air Plan. In addition to my comments, the American Lung Associations of the Bay Area have arranged for testimony to be presented by Robert Aris, a pulmonologist who will address the respiratory effects of air pollution, and Mary Fryer, a Bay Area resident with asthma who will detail respiratory difficulties that arise from living in a polluted area. My comments as a representative of the American Lung Associations of the Bay Area will address the public information and education aspects of the Plan and the 5% annual emissions reduction.

In the experience of the American Lung Associations of the Bay Area, public information and education are crucial to the success of any Clean Air Plan that ask businesses and individuals to alter daily practices in significant ways.

We believe that support for this Plan will be enhanced if the public has a clear understanding of what the targeted pollutants are, how they affect health and how a reduction in the levels of these pollutants will improve lung health. Thus, we would like to see more information in the Plan about the targeted pollutants, their dangers and the benefit of reduced levels of these pollutants in the Bay Area. We also believe the public will more readily embrace the Plan if the public knows when the proposed measures will be implemented, who will be responsible for enforcing the measures, what the penalties will be for non-compliance, and how -- and how often -- the measures will be evaluated for effectiveness. Without clear and specific language on implementation, enforcement and evaluation, the public will hesitate to participate in this process. We therefore suggest that such language be included in the final version of the Plan.

If businesses and individuals are to accept more stringent regulations and make significant behavior changes, the Board must provide strong leadership. We therefore request that the Board provide, in the Plan, for the 5% annual emissions reduction required by the CCAA. This reduction can perhaps be achieved by implementing those measures currently designated as contingency measures and by accelerating the implementation of measures contemplated in the body of the Plan.

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The Bay Area Plan was written to protect the public from the detrimental health effects of air pollution and the Plan in its present form goes a long way toward meeting that goal. We compliment the staff for devising a plan that is well written, understandable to the lay public, and comprehensive in its scope. The American Lung Associations of the Bay Area support it, but ask that the Board recognize the need to improve public education and information and that the Board commits itself to control measures that will ensure attainment of the California Clean Air Act standards. Thank you.

**Chairperson Cooper:** Thank you Ms. Hutchinson. Now could I have Robert Aris.

**Public (Robert Aris):** Hi, my name is Robert Aris. I am an assistant professor of medicine at UC San Francisco and I specialize in lung diseases. Since I can't possibly tackle all the ill effects of air pollution in one three minute session, I thought I would try to concentrate mostly on ozone, which is a particular problem in the Bay Area. It by no means is the only air pollutant that occurs in the Bay Area with deleterious health effects. As all of you know, carbon dioxide is a particular problem here as well.

As for ozone, most of you realizes it is a relatively sweet-smelling oxidant gas which has direct toxicity to all the tissues of the lung. This toxicity occurs at levels at or below the national air ambient quality standards of .12 parts per million, and it occurs in healthy individuals as well as those with chronic respiratory impairment. Ozone induced lung damage may vary from anything from minimal to relatively severe, mostly depending on the amount of ozone that's inhaled by the individual. Ozone toxicity is experienced directly by people as cough, production of sputum, wheezing, chest pain and shortness of breathe. These symptoms may be relatively minimal. Or, even at ambient levels, they may be essentially incapacitating to individuals. There are plenty of people in the Bay Area that have incapacitating symptoms from air pollution. When breathing tests are done to determine lung capacity and air flow rates in and out of the lung, we have seen discrepancies decreases in the way the lung functions of up to 50% after short term exposure to ozone, and when more sophisticated tests are done which involves actually looking directly into the lung itself. What is seen is that the bronchial tubes are beet-red with inflammation and this is caused directly by ozone's toxic effect on the bronchial tubes. Furthermore, mucous specimens taken from deep



inside the lung are somewhat reminiscent of those taken from people with bronchitis or pneumonia. There is severe injury to the lung. But, the question is, how long or what is the effect of long-term exposure to ozone, and that answer is very difficult to come by. Most authorities believe, and a number of studies have been done that indicate, that there is long-term lung damage for inhaling ozone over weeks, months or years. This is a very controversial topic.

Certainly we don't have all the answers we would like about ozone, but the information is extraordinarily convincing that it's a direct toxic to the lung. Do we need to wait for proof that people are suffering permanent lung damage or dying prematurely before we choose to act? Well, generally even in medical studies, we try not to wait until an irreversible condition has occurred or premature death has occurred, because it means at that point, we waited far too long to intervene. The ethical thing is to try to intervene before permanent lung damage occurs. So, I encourage you with the support of numerous medical studies that support this opinion and I encourage you for the sake of the health of the people in the Bay Area to adopt a very strong clean air plan. Thank you very much.

**Chairperson Cooper:** Thank you Dr. Aris. Now I call on Mary Fryer.

**Public (Mary Fryer):** Good evening. My name is Mary Fryer. The American Lung Associations of the Bay Area has asked me to come tonight to discuss the importance of having clean air for people that suffer from asthma. In case you don't know what asthma is, it is a lung disease that causes breathing problems for nearly 10 million Americans. Sadly, the number of people with asthma has increased 45% in the last 10 years. Problems that arise with asthma usually occurs in what's called an attack, where an individual experiences shortness of breath, wheezing and/or chest pain. It is like breathing through a straw when you have exerted yourself by either doing physical exercise or running. Asthma is usually a chronic problem and people who have it, live with it every day, often for their entire lives. It has a profound impact on the entire family. I know this because I suffer from asthma. I have had asthma since I was 1 1/2 months old. I have been hospitalized with it more times that I can even count. Asthma has restricted the physical activities I can do. Even where I can visit and where I can live. Air pollution can and does trigger asthma for me. Prior to my move to San

Francisco, I lived in Sacramento, California. While living there I experienced many, many asthma attacks triggered by environmental pollution. Even a common activity such as a trip to the grocery store on a polluted day puts me at risk for an asthma attack. Needless to say, there were many days I was unable to work or carry on what would be normal daily activities. Since my move to San Francisco 11 years ago, my quality of life is better, but I continue to suffer from asthma on days when the air is bad. While it is clear from the '91 CAP report that air quality is better here than in Sacramento and that air quality has improved here steadily over the past 20 years, there is much more work that needs to be done. Everyone shares responsibility for cleaning up the air, industry, business, government and the citizens. The nearly 30 thousand asthma sufferers in San Francisco are depending on this. I am through, thank you.

**Chairperson Cooper:** Thank you Mary. Our next speaker is Dehnert McQueen, followed by Alex Zuckermann.

**Public (Dehnert McQueen):** Good evening, I am Dehnert McQueen with the Small Business Development Corporation and many of you have seen me testify before and some of you are new faces. I have presented a number of documents through a number of EIRs - both to the MTC and the Joint Powers Board and you name it. I have gone through this process enough to know that the EIR process looks good on paper but there is absolutely zero enforcement in terms of what goes on, what goes in the EIR, what's done with public comment and all the rest. I also am very used to being told that I have three minutes to say what I want. That essentially comes down to, tell me all you know Mr. McQueen, I have three minutes. That's essentially what you tell the public. Tell me all you know, public, we have three minutes. But, what I would like to point out as quickly as I can, is that under the CEQA laws this body has the responsibility to capture the information put forth in previous EIRs relative to the subject that you are working on. There is a Regional Transportation Plan EIR that was put forth by MTC and by reference; I put a substantial document referencing the information in there and it will never see the light of day. I would just like to do a real test. I am going to submit before the closing date on your EIR the same information, because it is relative to the plans and the fact that the transit plans won't work. It's been documented by MTC subdocuments. They have never seen the light of day,

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they probably never will and I am going to put in today's meeting, on this date, I am going to put in three documents and ..... with the letterhead of this organization and I guarantee you they will not be in this EIR and I guarantee you none of the issues that we raise will be addressed. Ok. We'll just find out this time around.

I would also like to point out, a lot of people have said a lot of nice things here but, in MTC subdocuments, for example, MTC and this body should know that transit use is guaranteed to go down from now on, not up. In fact, the expectation of using automobiles is substantial. For example, in Santa Clara only 25% or 26% use transit, 2% or 3%. I see these people standing around and saying we want clean air and let's use transit. You guys know transit is not going to work with the current plan. You are going to spend 8 billion dollars for transit knowing full well it's not going to work and you are going to implement these mitigation plans which are essentially going to commit business to creating a bigger government agency who you know is not going to solve the problems. I have raised these issues until I am green in the face. This time I am going to put them before you. I have a document, I'll give you one title, it's called "Summary and Analysis of how MTC Bay Area Travel Forecast Promulgates City, County, Regional EIRs Resulting in Factors, Phenomenon and Assumptions that are Suppressed in EIRs, Public Meetings and the Media". This document alone would bury this EIR. As one last comment, I would like to say, is it reasonable to have all these meetings for this subject and put out your EIR dated July 8, and you didn't even get around to mailing them until later than that? OK.

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**Chairperson Cooper:** Thank you Mr. McQueen. Before we go to the next announced speaker, it is my understand that Nancy Skinner is now here so I would like to put her back into order. Nancy, would you come forward.

**Public (Nancy Skinner):** My name is Nancy Skinner. I am a Berkeley City Council person. I have only looked at some of your, I haven't been able to read the full report, it's been a short time that it's been out. But, at the risk of sounding somewhat like a Bay Area snob, I was a little bit surprised that the goals that we had set in this report, so far, are not even as comprehensive or stringent as Los Angeles. I think that's one thing that the Bay Area has always prided itself in, is in trying to be more forward thinking. We had much better mass transit well before the Los Angeles area ever

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considered it. I think many of us who have lived here have always prided ourselves in having cleaner air than Los Angeles and yet, at the rate we are going now and given the kinds of goals that are set in this Plan, we may lose that very quickly. In the LA plan, at least, it has goals that would reach the attainment target. This Plan does not.

I think, additionally, you should require employer automobile trip reduction plan. You should be gutsy. Many local governments in this Bay Area have so far. The City of Pleasanton has adopted automobile trip reduction ordinances. Sacramento has, the City of Berkeley has. It is the wave of communities all across the country. Some of the best in the United States are from Montgomery County, Maryland, which is right outside of Washington DC and Bellevue, Washington, near Seattle. We can do that. I think that the post-earthquake experience demonstrates that the citizens of the Bay Area are willing to use transit and that our existing, though we should greatly improve it and increase it, is adequate for commuter use. I think, additionally, there should be no new freeway capacity until we have met attainment targets or until there is real clear assessment as to that freeway capacity not contributing to or not meeting that attainment target.

Additionally, on the HOV lane issue, we can't afford to have the experience that we already did, which is when we put, and I don't know how many of you know this, but when we put the HOV lanes on the bridge what happens is that the number of cars crossing the East Bay Bridge per day increases and the use of transit decreases in the commute from the East Bay to San Francisco. So, we can not afford to have transit, rather car pool lanes that results in an increase in car use and a decrease in transit use, and that has to be weighed. The other issue I want to bring up about freeway capacity is that, this isn't necessarily an issue of clean air but I think it is a very serious thing that we as policy makers and law makers need to consider, we need to bring all existing freeways up to full earthquake standards before we build a new one. There are at least 30% of the existing freeway in the Bay Area that are far below earthquake standards, which most experts have indicated will fall in the next big one, and meanwhile we would build new ones. Lastly, I think that no ozone depleting compound of any sort should be acceptable, should be listed as acceptable substitutes in controlling any of our stationary sources emissions. We can't afford to have our alternative be better in terms of our immediate atmosphere air and yet worst in terms of larger atmosphere, especially since we do have known substitutes and

alternatives that are not ozone depleting compounds and which many industries have already put into affect and are working. Thank you.

**Chairperson Cooper:** Thank you.

.....: Mr. Chairman, I have a question for Ms. Skinner. Did the Berkeley City Council and you personally support the increase in the toll on the Bay Bridge?

**Public (Nancy Skinner):** Yes we did. In fact we supported a higher increase than what exists. We asked for a \$3.00 increase.

.....: Good for you.

**Chairperson Cooper:** Our next speaker, Alex Zuckermann, followed by Susan Deluxe.

**Public (Alex Zuckermann):** My name is Alexander Zuckermann. I am the Chair of the Regional Bicycle Advisory Committee. Some of you know me from BCDC efforts to get bicycle access across the Carquinez Strait. I would like to tell you that recently Caltrans and California Transportation Commission approved bicycle access on the proposed bridge, so this is good news. Due to, modestly, our and ABAG influences.

I am here to strengthen our previous position, which is for bicycles. Bicycles are a perfect way to get to work if you can also use transit by means of BART or busses. You go from your home to the BART station, take BART and complete the trip by bicycle. One thing that we would like to urge you to strengthen and that is showers and bicycle parking at the workplace should be made a requirement rather than a suggestion. So, in all of your proposals, please put teeth into it. Another one is adequate curb lane width. Your Plan says, promote adequate curb lane width. We would like you to require adequate curb lane width. Adequate curb width means that a road should be wide enough to have bicycles and cars together. So, if a city wants to convert a facility from four to six lanes and what happens typically is that the outside lane is made so narrow that bicycles have no room. So, in summary, please be gutsy

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as other speakers have said. Our health is at stake and the bicycle can really help function in the total picture.

**Chairperson Cooper:** Thank you Mr. Zuckermann. Our next speaker is Susan Deluxe, followed by Gerald A. Hill.

**Public (Susan Deluxe):** Hi. I am Susan Deluxe from Tiburon. I am a small business owner and I have decided I have coined a new word, I am a transportationalist. The Bay Area is so close to being in compliance with the State's air quality standards that our severe pollution designation must be some sort of cruel hoax. The statistics simply don't support it. However, because we have "no practical strategy conceivable now" to meet the 25% higher state ozone standards by 1997 (of which we're in only 4% violation), the air quality empire, these 20 appointed officials, are planning will surely asphyxiate San Francisco.

It sounds to me, ladies and gentlemen, like the real problem is that you've failed to do your job and now 6 million people sprinkled over 9 counties will suffer. More millions will be dumped down the bureaucratic commode and our society further time-starved. How convenient! By doing nothing you've manipulated us into the most punitive and lucrative regulatory category. Congratulations! You've finally figured out a way to tax the very air we breathe, under the smoke screen of environmentalism and using automobile as the mechanism.

Last week I received a newsletter from the Marin Municipal Water District, outlining water supply options to be considered by the voters this fall. This District could learn a lot about public relations by studying how they've managed the 6 year drought. By making voluntary appeals to the public based on cooperation, communal interests and attainable goals, we were able to avert mandatory water rationing.

The "practical strategy conceivable now" was obvious to the Water Board. It didn't take years to draft or a blizzard of bureaucracy to enforce. Why aren't people being better informed instead of being punished for owning cars? Or, should we all ride buses just for the hell of it, regardless of where they go? Or, just maybe the majority of people are already doing what they can and the system is pathetically inadequate. Let's see, to rush from work to daycare to the bank, cleaners, grocery



store and finally home on public transportation, with the kids in tow, would entail at least 5 separate waits and buses and at least \$20 (plus probably walking the last few miles if you live in Marin), which would put dinner on the table about midnight in most households. I wonder if we'd have to buy a seat for the groceries, too?

Instead of bickering over mandatory corporate vanpools (which, by the way, would discriminate against employees living farther out and begs to be challenged by a lawsuit), let's form practical, common sense policies that people can respond to and positively support. I truly mean "the people", the poor slobs who somehow get to their jobs and keep the whole world turning, not the rabid earthniks who are so righteously saving everything except our cherished mobility and personal freedom, of which the automobile is a cornerstone. Maybe it's time to save ourselves from the environmentalists! Human beings are also part of the ecosystem folks. Even the cavemen had wheels!

The transportation control measures this Board is advocating are neither reasonable, necessary or prudent. It's time to put the voters back in the driver's seat and incontrovertibly establish public policy via a transportation issues initiative on the state ballot -- lest 20 politicians pretending to be air quality gurus beat us to it.

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I would also like to suggest that we rip out the toll booths. If we are trying to relieve auto emissions, congestion and places where people are stagnant in traffic, I think that would be a very progressive thing to do and I suggest that Director Harberson be the one to rip the first one out personally. Thank you.

**Chairperson Cooper:** Our next speaker is Gerald A. Hill, followed by Ellen Fletcher.

**Public (Gerald A. Hill):** Good evening Board members and public. I have lived on both coasts, in fact I lived in and near Washington DC for years. I took public transportation for the last 55 or 60 odd years of my 64 years. I am in favor of public transportation, but let's get the schedules coordinated. I have gone from San Jose to Santa Rosa to Sacramento and BART is very efficient and the bicycles on BART are very efficient. I belong to a mental health group and I know people who have respiratory diseases and who can't drive cars because of eyesight, like I am on blind aid, and can't drive cars because of emotions or other handicaps. So, let's work

together to minimize the automobile, but maximize it. There are places in Napa, there are places in other counties that the car is needed. But, is it needed in San Francisco to San Jose or Oakland or Berkeley when it can be implemented like, park at the BART station? I think that's a good idea. I have talked to people who take the car from Stockton to Concord and then ride to San Francisco because of the parking. What are you going to do, stock the cars up like cardboard or cardwood, right on top of the other, and how are we going to clean up our air if we don't stop the polluters? I heard of a job in a steel mill in Pennsylvania who went out of business because they wouldn't listen to their own EPA. They wouldn't listen to their own clean air and they found it cheaper to go out of business and lay 10 or 20 or 50 people off than to clean up. Now, wouldn't it be cheaper for them to clean up their air and stay in business and make jobs for everybody in the State?

**Chairperson Cooper:** Thank you sir. Ellen Fletcher, followed by Diana Patrick.

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**Public (Ellen Fletcher):** Thank you. My name is Ellen Fletcher and I am going to address some of the bicycle issues related to the Plan. I am not clear, and maybe I should have cleared this up before with staff, but whether the TCMs as they came from MTC are going to be the ones that will be adopted, or whether they will be the ones that were put into the addendum dated June 18, 1991. I urge that the ones that came out of MTC be adopted. They are much more specific and comprehensive. I also want to point out that bike lanes and bike routes aren't going to do the job because bicycles have the same origins and destinations as everybody else and they use the same roadway system, so, a requirement, as Alex mentioned, for adequate lane width. Also parking and showers should be required especially, (incidentally they were approved by MTC, there was a discussion and a vote and were approved) as having to be required until they were removed. Now, I believe that the present plan is to have those controlled by the indirect source controls, but from my understanding, indirect source controls were only applied to large, significant, regional projects. So they won't cover most projects and they should really be tied, if to anything at all, to automobile parking. Whatever automobile parking is required, bicycle parking so that there isn't a choice there. I also want to point to Table 7, Page 39 of the Plan, Options Considered. The last two talked about subsidies for transit and increase subsidies for carpools and vanpools, and I would like to read to you a proposed regulation, and they are having

hearings this week too, in San Diego County. This is from the Air Pollution Control District. There is a position that financial incentives equivalent to the transit subsidies be offered to all employees to encourage ride sharing and non-motorized alternative transportation. Thank you very much.

**Chairperson Cooper:** Thank you Ellen. Diana Patrick, followed by Leo DeBose.

**Public (Diana Patrick):** Good evening. Supervisor Fahden was unable to be here this evening and asked me to read you her comments. She ask that I thank you for the action that you took a year ago adopting the very restrictive measures that will enhance or reduce air pollution at refineries. Tonight, she requests that the Board consider another measure that would reduce refinery air pollution. It's bubble permits, or caps, that continue to provide vast loopholes by allowing refineries to create or expand existing usage without permit scrutiny.

E2-P

The following are examples outlining the negative aspects of bubble permits: One refinery in her District is consolidating three hazardous waste collection points, certainly a positive effort, however, the District determined two years ago that this consolidation activity could occur under the umbrella of the bubble permit even though some of this activity is not enclosed and wind could conceivably carry hazardous waste particles to homes located 500 feet of the proposed location.

The same refinery expanded a nominal wharf activity in 1982 into the largest petroleum export terminal in the Bay Area. This activity is the largest single benzene source in the entire District. Neither the neighboring community nor city in which it is located ever received notice of this activity commencing or that excessively high levels of benzene are released there today.

Bubble permits protect industry from public scrutiny and District control. Air District permitting could be the vehicle for other agencies to enter the permit process. When the provisions of the bubble permit allow the activity to occur without obtaining an Air District permit, local agencies are denied access to the process.



Because of the problems created by bubble permits, Supervisor Fahden requests that the District examine these permits and determine whether they should be eliminated or amended. Thank you.

**Chairperson Cooper:** Thank you Diana. Mr. Debose.

**Public (Leo Debose):** Thank you Mr. Cooper, to the Board and also to the public. I want to thank you for your efforts to improve the quality of our air. I am Leo Debose and I represent the East Bay Bicycle Coalition, I am the chairman of that organization. I am concerned about your utilization of the bicycle as a vehicle for transportation in the Bay Area. I don't believe that your document addresses that in substantial detail. I think more emphasis needs to be place on non-motorized transportation such as the bicycle. There are a number of things that can be done to enhance the use of the bicycle in an effort to improve air quality.

One of those things is that you can require the bus districts to allow the bicycle to be carried on the bus. There are many instances wherein people would utilize the bicycle, but inclement weather, or sometimes they might have a scheduling difficulty, or additionally there may be a reason to take public transit, or to get somewhere else rather than utilize the bicycle. If that person had an option to take that bicycle on to public transit, on a bus, then they would be encouraged to use the bicycle much more.

There is a second area that I would like to address and that second area has to do with .....(I didn't write that one down, I can't remember what it was. That's right, I'm sorry, that's what it was, it's safety.) Safety is the number one concern of the bicycling public. People are concerned that they may be run over by an automobile. There are a number of things you could do to increase the public awareness of cyclists and I think that's what the problem is. Drivers in many instances fail to see cyclists. They don't expect cyclists, they don't respect cyclists, and so as a result we have a fear that some fool is going to come down the road at 90 miles an hour and run over us. One of the things that can be done is we can encourage people to look out for cyclists by enforcing the laws. By requiring the communities to enforce the laws. That is to say, if you cut off a cyclist, if you pull in front of someone and cause that person to have an accident, that person should be cited. We should be after those people. We should make people aware that their actions can in many instances have an effect

upon the cyclist. We really don't have enough information in the traffic books, that's another thing, we can address it in the traffic books. When people have to go and get their license, we can address it so that they would have to be aware that cyclists are on the road and that cyclists also have the right. One of the problems that we have with drivers is that they think that cyclists should be on the sidewalk, and that is not the case. The other thing is that if someone lives in Sacramento and he wants to work in Concord, then that person should have to suffer the consequences. If you have to pick up your child or you have to go to several different places and you want to work 20, 30, 40 miles away from where you live, then that person should have to pay for that.

**Chairperson Cooper:** Thank you Mr. Debose.

**Mayor Harper:** Mr. Chair, I have a sort of a question and also a comment as to regards to the bicycle. I am a cyclist myself, but what I run into when I start talking to people about providing for increased bicycle transportation is a lot of people confront me, very directly, and they say no matter what we do, the efficacy, the marginal number of people who will use what you provide, who will use bicycles more, is very limited. I think that for myself, if I am going to advocate that on this panel, I need to tell my fellow directors. I need to be able to say, if we do this and if we do this and if we do this, we can expect these returns in terms of additional bicyclists and additional people. I don't have any of that information. If the people who are advocating bicycling out there can get some of that information together so that we have something in which to say, well here's the most effective thing that can be done, here's the second most effective thing, I think there is a better chance than what I am hearing now, which is all very good, but I don't know, what the efficacy is of each of these things. So that would be good information to get to us.

**Public (Leo Debose):** I don't know what you are asking about, statistics that would improve bicycle ridership or not?

**Mayor Harper:** That's exactly what I am asking for.

**Public (Leo Debose):** That doesn't exist because we haven't done anything to encourage bicycle riding. It does not exist. We have always done things to encourage the utilization of the car. We haven't given any incentives at all and that's what we need to do.

**Mayor Harper:** There must be some experience from cities like Davis and others in the country that are famous for promoting bicycles, as to what worked and how well and I don't have any of that information. It would be good to get it, if it were available.

**Public (Leo Debose):** We can try.

**Chairperson Cooper:** Please sir, we are not going to debate here. Could I have our next speaker please, Sherry Kimball, followed by John Holtzclaw.

**E2-P**

**Public (Sherry Kimball):** Good evening Board members. My name is Sherry Kimball and I am here representing Greenpeace. It is clear upon review of the 1991 Draft Clean Air Plan that, you, the Air District have failed to use your power and authority given to you by the people of this region to protect them, their children, and their environment from the serious threat of ground level ozone. Despite clear mandates by the State and expressed desire of the people of this region to reduce congestion, improve air quality and develop more efficient and effective systems of mass transit to achieve those goals, you the Bay Area Air Quality Management District have failed to heed the public demands and desires as well as your obligation under State legal requirements and legislation by proposing a clean air plan, which by your own omission will fail to meet the State health standards for ground level ozone, will fail to meet the 5% emission reduction per year as is required under the California Clean Air Act, and which ultimately fails to include and implement all reasonable available control measures, transportation control measures, which are available now and you do have the authority to implement. You have in effect disregarded your responsibility to the public you were created to serve. As an agency responsible for protecting human health and the environment in the Bay Area, in relation to air quality, Greenpeace finds your failure to do so irresponsible. I don't understand how you can propose a plan in



which your job was to reach attainment and to say flat out that you can't reach that attainment.

I found it disturbing that the Plan here in the Bay Area is weaker than the Los Angeles plan in many areas. I think you need to revise your plan and I am hoping that in your final version you will revise your plan to reflect the comments that have been mentioned here earlier and those that I will present to you in written form in the next couple of days.

Some of the major deficiencies are that your 1991 CAP does not provide specific tangible rules and regulations. Much of it is unenforceable and many of the measures don't have any criteria to evaluate the performance of those measures and identify time in which a contingency measure would kick-in. Further, many of the measures that would help reduce air emissions from the transportation sector have been pushed-off and delayed until a later date. Those need to be implemented now. They should not come in Phase III, they should come in Phase I. Many measures are also voluntary, they need to be mandatory. If you look at the South Coast Air Quality Management District, they had to reach and implement mandatory measures because many of the voluntary measures had not achieved reductions that were estimated and projected. You also need to use your authority to stop highway construction that is capacity increasing. We are not going to achieve our air quality standards if we don't get the emission reductions from the transportation sector that we need. That means we have got to stop building roads and we need to take that money and fund mass transit. Also, the HOV lane should come from the existing lanes, not new added capacity lanes. Further, you need to use your authority to encourage compact growth and infill development and stop the suburban sprawl that's fed by freeway expansion. I urge you to address these comments in the revision of your plan and that the final plan will, in deed, achieve the air quality standards that we all need for a healthy environment.

**Chairperson Cooper:** Thank you Sherry. John Holtzclaw, followed by Mark Rosenberg.

**Public (John Holtzclaw):** Chair Cooper, members of the Board. I am John Holtzclaw and I want to commend the staff for their development of this Plan. As you know, we have already exceeded both Federal and State standards this month, the month of

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July. Could you possibly approve a plan that did not meet the Clean Air Act requirement of a 5% per year reduction in emissions unless you, at least, had gone all the way of your full legal authority, everything that you could implement? Among the things you can implement are market-based measures, parking fees - both at work locations and at shopping and recreation locations. You can use the monies from that to improve transit. You can phase it in, to decrease the resistance to it. Could you possibly approve a plan that did not use your complete indirect source review authority to delay highway projects until there were full transportation control measures, that were locally implemented, to hold the driving on those highways to what is necessary to meet the plan. Could you possibly not have approved a plan that had in it use of your indirect source review authority to not only ask cities and counties to encourage higher density, mixed-use, infill development so people will have markets, have restaurants close to where they live, but require that has a part of the plan? I am concerned also about your delegation of authority to cities and counties. How will you monitor and enforce that authority to make sure the cities and counties fully implement it? On the DEIR, the environmental impact report, could you possibly approve a report that did not, at least, evaluate all of the suggestions that we have made, that is your full authority to implement, including infill development around transit stations, higher density, the transportation control measures? Thank you.

**Chairperson Cooper:** Our next speaker is Mark Rosenberg, followed by Adelia Sabiston.

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**Public (Mark Rosenberg):** Members of the Board. My name is Mark Rosenberg. I am the Environmental Supervisor for Air, Water and Emergency Awareness at Chevron's Richmond refinery. I have three points I would like to make concerning the Clean Air Plan control measures affecting Chevron's Richmond refinery.

1. It is our desire to work with the BAAQMD in the implementation of the Clean Air Plan, to attain the State ambient air quality standard at the earliest practical date. We must adequately workshop these measures to develop rational, cost effective and achievable regulations.
2. The cost effectiveness of each control measure must be carefully weighed. Consideration must be given to achieving the greatest benefit

to air quality at a reasonable or feasible cost. Feasible must be carefully defined. For example, for the NOx reduction control measure effecting the refinery furnaces, the most cost effective plan would most likely be to set a refinery-wide NOx emission target. The refinery could identify which furnaces would be controlled and the type of emission control device used.

3. The timing for the installation of each control measures must be carefully evaluated. For example, installing NOx controls on the furnaces in the Richmond refinery is a huge project in terms of planning, engineering, construction and cost. Depending on the degree of work required, at least two years may be needed to retrofit a single individual furnace. Our refinery has many furnaces. Please do not underestimate the time required to install the control measures. Thank you for your time.

**Chairperson Cooper:** Thank you sir. Our next speaker is Adelia Sabiston, followed by James Zuchelli.

**Public (Adelia Sabiston):** Chairman Cooper and members of the Board. My name is Adelia Sabiston. I represent the League of Women Voters of the Bay Area and the 22 local leagues in the nine counties. The League has followed the progress of the three co-lead agencies in preparing the Draft Clean Air Plan. We applaud your completing the draft Plan in a timely fashion in spite of technical uncertainties and very tight scheduling that was necessary.

The League is concerned that the public should gain from the Clean Air Plan an understanding of the health issues involved, the costs and benefits of attaining clean air, the magnitude of the undertaking involved in implementing the Plan, and the degree of commitment that will be needed of everyone. Our comments aim at improving the clarity of the Plan's message. You have received copies of the full comments, so I'll summarize them.

The Clean Air Plan should review the adverse health effects of ozone and carbon monoxide.



The public needs to understand that the goal of the Plan is to protect them from these adverse health effects.

The public needs a clear and direct message as to the measures necessary to clean up the air and what will be expected of the public. The public needs to know the schedule, with dates and the agencies that will be responsible for implementation.

The Clean Air Plan should address how the coordination of the activities of the agencies and jurisdictions who will implement the Plan will be accomplished.

The indirect source control measures should be understandable and enforceable. It should not be limited to a single approach and it should be begun immediately.

The implementation of the Phase 1 transportation control measures and parking management also should be begun immediately. Additional, reasonably, available TCMs should be developed to involve as much as possible of the driving public.

**E2-8** [ The League regrets that the Environmental Impact Report on the Plan was not released in a timely way so that our comments could be enlightened by that document.

**E2-9** [ Implementing the transportation control measures portion of the Plan can not rely upon volunteerism. So, isn't this an appropriate time for a Joint Powers Agreement between the Air District and the Metropolitan Transportation Commission to implement the TCMs and to coordinate the TCMs with the Congestion Management Programs of the cities and counties of the Bay Area?

**Chairperson Cooper:** Thank you Adelia. Our next speaker is James Zuchelli, followed by Gary Gray.

**Public (James Zuchelli):** I originally wrote my paper with the assumption we would have five minutes, but I edited it down. So, I think I'll be able to make your three minute limit. My name is James Zuchelli and I represent myself and Californians for Constitutional Government. I am here tonight to address several issues the BAAQMD

has conveniently overlooked. The 1991 Clean Air Plan is being formulated at the expense of the public's right to choice. The public is being told, "Here it is, this is it, take it". The Air Board is not giving the public any say in accepting or rejecting this Plan. This is not the way it is done in a democratic government something that Ron Diridon and the other Air Board members have forgotten. The statement in the socioeconomic report that 10,000 jobs may be lost is a tacit admission that economic genocide is acceptable to the Air Board. Will this appointed body rescind the Clean Air Plan if 100,000 jobs are lost because of it? You may say this is a outrageous number, I say yes it is, but in the Pacific Northwest an equal number of loggers may lose their jobs, their homes, their families, even end up living on the streets, all to save owls. If it can happen there it can happen here.

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You talk about a billion dollars a year in cost to the public. Money that will come out of people's retirement funds, their children's health insurance, vacation money, new shoes, or even going to the movies. For what, to force them to acquiesce to your dreams of power and glory? The people do not want to pay this evil tax, they do not want to be bled dry by your vanity, yet you offer them no choice. You say only, "Pay up or else". This is not the voice of democracy, this is the voice of fascism. A fascism based only on the lust for power. I say power because it is obvious that men like Diridon are doing this for the raw power it gives them over the lives of free people. What can corrupt men find more powerful than enslaving free people? For we are free people and your proposed air taxes are an enslavement. Your very actions condemn you as fascist. The new Nazi, the air Nazi.

I don't believe you realize the immensity of what you are doing, I don't believe you realize the cost to our society. You see it as enforcing the law, a law that makes a mockery of law, for although the California law means we violate the clean air law 14 days, federal laws currently say only 6 hours over 2 days were violated. In a vain lust for power, you are willing to sacrifice 10,000 jobs and a billion dollars of people's hard earned money. For what, for 6 hours of federal clean air. This is a mockery of law, a mockery of justice and a mockery of everything the people of this country holds dear. I know the Air Board doesn't like my words. You think I am a firebrand who will soon succumb to your will, but you underestimate the people. You forgot the history of the past, you forget what happens to all dictators. Hitler, Mussolini, Stalin - they sleep in cold, dark graves where once they were adulated by millions. They are today forgotten

old men, their bodies rotting into humus, their goals forgotten, their goals gone. All they sought has been destroyed. So, too, shall your vain desires be laid to rest, but at what cost to the people of the Bay Area? When the people finally rise up against your deeds, they won't destroy you as dictators of old were destroyed, they will do it with laws, with initiatives and with lawsuits. When Santa Clara County is sued for billions of dollars, when its bonds are used for wallpaper because the lawsuits have bankrupted the county, where will you be? Not sitting here in comfortable chairs full of pompous pride, you know you will be forgotten old men and women sitting on cold mattresses locked behind iron bars. Thank you. Your attempt to steal government from a free people will be your ruin and the ruin of all who follow you. I don't think it's funny. You're an appointed government and you're stealing our right to vote and our freedom to choose how we will live and bankrupt our economy.

**Chairperson Cooper:** You have used your 3 minutes, sir.

**Public (James Zuchelli):** One more thing, Dwight Eisenhower said all our freedoms are a single bundle, all must be secured if any is to be preserved. We can't have freedom if we have appointed dictatorships. Thank you.

**Chairperson Cooper:** Thank you for your thoughts. Gary Gray, followed by Henry Clark.

.....: Mr. Chairman, I don't think we can let that last speaker go without some response and only this.

**Chairperson Cooper:** No, let's don't respond.

**Supervisor Harberson:** Mr. Chairman. The arguments that you made here have a lot of validity but they should be made to the State legislature which sets up both the Clean Air Act and the basis under which the BAAQMD operates. That's where your ire should be directed.



**Chairperson Cooper:** Alright, thank you, let's go on.

.....: I have one other correction, Mr. Chair, I think it was the City of San Jose who lost \$60 billion in bonds, and not Santa Clara County.

**Chairperson Cooper:** Alright, I think we've cleared it up, if it's San Jose, it's San Jose. Gary Gray, please

**Public (Gary Gray):** Mr. Chairman, the Board, the Public. I am going to take a little different, slightly different, position from the former speaker. I am Gary Gray, I am a local business attorney and formerly I did multi-media environmental work. Air, water and toxics for clean employers, before Reagan and Bush and our wonderful Congress totally gutted the enforcement of the law. I think it's astounding that it has come out today that despite all the plans that we have, clean air will not be attained in the foreseeable future. What's been happening for the past 20 years since the Clean Air Act was passed? I think that, also, the fact that the Bay Area air is relatively clean is a matter of fortuitousness. It's because largely we have significant winds here, not because of enforcement. I have four suggestions here.

One that virtually every speaker has talked about is this, and that is enforcement. The laws are there, they are not enforced. The standards are feasible, most of them are cost effective. The fact is you read frequently about polluters, large polluters, the refineries we were talking about here, and what do they get? Much more time to comply and a fine of some kind. I used to work in that area, I know what I am talking about. When the gentleman talked about, we need a few years to plan, they have had over 12 years to plan what to do. Do they plan their budgets that way? That doesn't happen. We plan our budget to have it ready to implement and to comply with the law. Feasible, cost-effective standards should be enforced and the fine should be based on the effect on the clear health hazard. The health hazards have been testified to by a doctor here.

Secondly, a little more specifically, the use of the HOV lanes should be increased. That's such a very obvious thing. And also to decrease the regular lanes

E2-P

and increase the HOV's at the expense of the regular lanes, so when people see those lanes are cutting back it's going to make all of us think more.

Thirdly, the market-based strategies should include the penalties that are based on the, clear hard to help. It's been proven, it's been around a long time.

Lastly, as Mr. Vandeman suggested and, as a matter of fact, I believe the representative from Lucky Stores, there should be a contingency plan. What if this doesn't work? What's been happening for the past 12 or 20 years? It hasn't worked. The Sierra Club and virtually every other group here have testified that things are not being enforced, what is being done. You people, yourselves, are affected by the health standards. You have your own health, your children, your families, your constituents. Those are my suggestions as a private citizen and as an active member of environmental groups and a taxpayer. Thank you.

**Chairperson Cooper:** Thank you Mr. Gray. Our next speaker is Henry Clark, followed by Julia May.

**Public (Henry Clark):** Hello. My name is Henry Clark. I am the Director of the West County Toxic Coalition based in Richmond, California. We have some concerns to address to you tonight in the hope that you adopt a strong clean air plan. Some of the concerns that we are concerned with, we have brought before the District before. Such as the rule concerning the flanges and valves and pumps and compressors which is the source of emissions in the District and our community. We certainly encourage adoption and implementation of these rules without any delay because in our opinion, in our life experiences, we are not only talking about clean air, but we are talking about preserving the health of residents in our community. That's the bottom line when we are talking about clean air. So, we want to see these measures adopted without delay. We also want to see some controls on the flares at the refineries. We recognize the fact that these flares are supposed to only be in operation in times of emergency, but at our neighbor, Chevron, it seems like they are burning every day for some reason. In addition to that we are also concerned about the vapor recovery system that the refineries were to put in place to reduce emissions in our communities. Benzene emissions is a big concern in our community, with the high cancer rate. There should not be any delays or stalling in implementing these systems. The companies

repeatedly come before the Board, saying that I need more time, take this or that into consideration, but these are only stalling tactics. The Board should show some backbone and demand and put these rules into effect to protect our communities. Companies can sponsor all types of bogus giveaways, giving away free gasoline for a lifetime and some type of bogus giveaway program or free grocery for a lifetime, but when it comes down to spending some money for maintenance and implementing programs that will reduce emissions in our community and protect our health and safety, they always cry about delays and that they don't have the money and about how much it is going to cost. We encourage the Board to take the necessary action to implement the rules that you have authority to implement and protect our communities from these pollutions. Thank you.

**Chairperson Cooper:** Thank you Mr. Clark. Julia May is next, followed by Chappel Hayes.

**Public (Julia May):** ..... concerns out to you, when they can't also do so during the day. I found, you as the Board, to be really responsive to citizens' concerns, and we are really counting on you because there's a whole lot wrong with this Plan and we are counting on you to fix it. There are several things I would like to say and I am going to try to pack it in.

E2-P

I can't believe some of the sadly misinformed people speaking tonight, although I am glad to hear they are few, about why we are doing this. How much does our current system cost? We spend billions paying for freeways, paying for car accidents, paying for crop damage, it goes on and on. What are the health affects? Do you of the Board know that pollutants in the Bay Area cause many, many days of missed work, asthma attacks, hundreds of cancer deaths? According to your statistics, 40 to 60 die from particulate per year. The list goes on and on. We can do better. We need public transit. We support the comments that our coalition partners made about public transit. Some of those measures are going to take some time, so, what I really want to ask you to do tonight is to make sure that your stationary source controls, which you have a lot of experience with, are put in as soon as possible. I am asking all of your Board members to look at your Plan in detail, because I think you might be surprised

E2-P



E2-P ↑ to see that some of the Board's recommendations on, for instance, adopting refinery controls this year are talked about in the Plan happening in the 1995-1997 range.

.....: That will be changed.

E2-P **Public (Julia May):** Ok, we'll be glad to hear that. We are also concerned about the valves and flanges rules coming up. Some of the speakers we heard from industries want to cut the leakless valves out of the rule. We want the leakless valves. We want to update that technology. You heard from a lot of the people in the refinery towns that don't want to see this anymore.

On flares, CBE has been asking for controls on flares for decades, practically. Your Plan talks about controlling them in 1999. I am hoping that my grandchildren don't have to come before the Board asking for flares control.

Boilers, NOx. Your Plan has a NOx control rule, but the LA plan goes three times further than the District's Plan does. Please direct your staff to compare all of your rules methodically to the LA rules and other districts and explain why some of them are weaker. Explain why some of them are going to take 10 years when we can do them right now.

Thank you very much. Please do what you can right away so that we can buy a little bit of time to do the measures that are going to take longer. Thank you very much for your work.

**Chairperson Cooper:** Thank you Julia. Chappel Hayes.

**Public (Chappel Hayes):** Good evening, Mr. Chair, Directors of the District. My name is Chappel Hayes and I am here this evening representing the Clean Air Alternative Coalition. We are a coalition of community groups in West Oakland. The South Prescott Neighborhood Organization, The Phoenix Neighborhood organization, and Jubilee West, who are supported by regional transportationists and environmentalists in our fight to stop the replacement of the collapsed Cypress Freeway. I am concerned

to see that our County is represented by only one District Director this evening. I hope that staff will note our comments and convey them.

Our purpose this evening is to bring to your attention the opportunity and prospects for 21st century transportation. Because we believe that that can be achieved if we take an approach that leaves us open to considering balance in our transportation needs. This kind of balance would include alternatives to highway construction, including transit. The traditional transit, like rail and bus, and ferries, vanpools, carpools and the like, as well as pedestrian transportation, bicycles, roller-skates, and jogging and walking and the other kinds of healthy ways of getting ourselves around. We feel that this 21st century transportation will result in healthier neighborhoods and that's what our coalition stands for most determinately. We will find neighborhoods where there is less cancer and more jobs, owing to conscientious transportation. Mass transit, for example, employs more people in an on-going manner. When you build freeways, there are short-term jobs usually going to people who live outside the region where the freeways are built. Also, we expect that this balanced approach is going to result in more alert students owing to less lead and zinc and other harmful elements in their veins. And longer life spans, especially in our poorer communities which would be comparable to the more affluent areas where freeways are less often sited. If we don't heed this opportunity, if we don't pledge ourselves to 21st century transportation, the results, the dangers that we will face are fathomable because we are facing them now, but unpalatable. We will be dealing with the expensive and destructive, prejudicial, sickening dragon called freeway, which go through our communities destroying our homes and our jobs.

I want to recommend before I leave, that you discharge your responsibility with strength and vision. That you uphold the principles that Judge Felton Henderson put forward in his rulings about the Clean Air Act and that you oppose the backwards logic that more lanes of freeway will somehow clean our air. I want to challenge you to contemplate Los Angeles and kill the dragon. Thank you.

**Chairperson Cooper:** Thank you Mr. Hayes. Our next speaker will be George Gianopolus, followed by Hanna Creighton.

**E2-P Public (George Gianopolus):** My name is George Gianopolus. I live in Oakland. I think that the Plan needs to have specific targets with timetables pertaining to the goals. And mandatory contingency measures to be implemented if the targets are not met. Along with regulations and legal requirements, it is imperative that funding for transit be dramatically increased or else alternatives to auto driving won't exist. If transit is readily available and convenient to use as in many other cities and other countries, its use will dramatically increase.

Specifics that need to be included in the Plan are: increase frequency of rail transit, including intercity routes; increase utilization of the ferry corridors that exist on the Bay; more funding for local transit operators; improved bicycle routes and facilities and encouraging walking for short trips. And it is very important that there not be any increased highway capacity. And any increased HOV lanes, as a couple of other speakers have mentioned tonight, really need to come from existing travel lanes and not be increased construction. The Clean Air Plan, as proposed, does not adequately address these areas and thus can not succeed in achieving the legislatively mandated clean air levels. Thank you very much.

**Chairperson Cooper:** Thank you sir. Our next speaker is Hanna Creighton, followed by Philip Rothschild.

**Public (Hanna Creighton):** Hello, members of the Board, thank you for this opportunity to speak to you tonight and I really am glad that you had a public hearing in the evening, even though it is getting kind of late. My name is Hanna Creighton and I am speaking as a private citizen. I live in Marin County and I work in San Francisco and I ride the bus, which is some times a lot of work. I see myself as an advocate of public transportation. I don't really have any technical skills or medical skills to talk to you about asthma deaths or cancer deaths. I believe the people who tell me that the increases in those are attributable to the environment and air pollution. It makes me terribly sad to think that there are people here, paid to come here, that talked about how you should delay implementing a strong clean air plan because it will cost businesses a little more, and don't seem to mind those deaths. It shocks me.

I want to talk a little bit about the politics of this as I see it. I think you are here to negotiate a lot of different interests and you have to think about politics, and I have



been thinking about that. I can't believe that you are in any danger if you pass a clean air plan that is as strong as the California Clean Air Act. I mean, we voted for that, we want that. Ordinary people wanted that and want clean air in California. We live in this place that makes it kind of easy to get it. We have air conditioning here and we live in a Bay Area that has some of the most highest consciousness about the environment in the world.

No matter what some of the people have said tonight, I think the majority of people in California consider themselves environmentalists. I know many of you ran on that kind of platform. I know Mr. Aramburu did in my county. I want you to take this opportunity to pass a strong plan. Really make some history. I read in the New York Times, day before yesterday, that 13 states got together and met and decided that whatever California does, they are going to adopt it. So, you are really breaking a lot of ground. You are making history. You have got to make this Plan work. I really urge you to make this Plan work.

The last thing I want to say is I want you to have thoughts about equity as you implement this Plan. Equity in terms of people who really don't have alternatives to the car. You really have to encourage public transit. There are a lot of people in the Bay Area who can't use public transit and they need to be able to do that. They couldn't voluntarily choose it even if you instituted such a program, because it would mean four transfers and two hours or whatever. You have got to make a unified mass transit system here to make this all work. I think the industry changes and standards are going to have to go first. Bank of America made a lot of money lending money to people to go to the suburbs and those shopping centers. Now, let them pay for some parking, for some vanpools or whatever and buy us a mass transit. Thank you very much.

E2-P

**Chairperson Cooper:** Thank you very much. Philip Rothschild followed by Mary Rosenberg.

**Public (Philip Rothschild):** Hi. My name is Philip Rothschild and I am representing the California Public Interest Research Group (CALPIRG). CALPIRG is a statewide, nonprofit, nonpartisan advocacy and research organization working on environmental issues. CALPIRG has worked for clean air for many years on both the state and

national level, most recently at the Federal 1990 Clean Air Act. Here in California, the efforts of many groups and individuals here tonight have resulted in the strongest clean air law in, I guess, the world. It is very important that the implementation of this law by this District reflects those strong environmental protection principles that are embodied in the law.

**E2-P**

CALPIRG and its members urge the District to adopt regulations ending the current exempting made for stratospheric ozone-depleters as substitutes for smog precursors. As point of reference, the Draft EIR addresses this at page 4.1-39. Specifically the TCA and the CFC-113. If industry is allowed to facilitate their use by allowing them to use them in place of the smog-forming chemicals, it really kind of defeats the purpose.

While TCA and CFC-113 do not contribute directly to the formation of ground level ozone and smog, they do significant damage to the upper level atmosphere. As we all know, the ozone layer has been evidenced that it is decreasing and the EPA has estimates on cancer deaths to skin cancer in the next century.

The District should not allow a solution to one pollution problem to create another worse pollution problem. This narrow focus has kind of been a long standing institutional shortcoming in our State. Hopefully, with the creation of the new California EPA last week, a more long range and comprehensive view of pollution may be implemented, along with a substantive pollution prevention program. In the meantime, we must continue to use safe alternatives when choosing substitutes for any specific pollution problem.

**E2-P**

Just to sum up, we urge the District not to allow a smog solution to become an ozone layer problem. CALPIRG specifically asks the follow: remove the exemption for TCA and CFC-113, and to add policy language to the Clean Air Plan prohibiting the use of upper atmosphere ozone layer destroying chemicals as substitutes for smog forming chemicals and to develop a more comprehensive policy to phase-out emissions of ozone destroying chemicals. Thanks.

**Chairperson Cooper:** Thank you Mr. Rothschild. Mary Rosenberg and then Kathleen Parsons.

**Public (Mary Rosenberg):** Hello, good evening. My name is Mary Rosenberg. I feel that I am getting to know some of you quite well and probably by the time we get to the bottom of this, we are all going to know each other very, very well. I can't tell you how much I have appreciated working with everyone and working the Board.

First, I would like to represent the Loma Prieta Chapter of the Sierra Club. Their resolution reads, whereas the San Francisco Bay Area is a non-attainment area for health-based air standards of carbon monoxide and PM10, they would like, they feel that space heating in urban areas is not appropriate with wood because health-based air standards, pollution of PM10 levels, are rapidly exceeded in the immediate wood burning vicinity.

E2-P

As Mary Rosenberg, of A Burning Issue. It's been identified by David Fairley that the problem with wood smoke particulates is greater than any toxic identified so far. According to the EPA document the emissions result in high human exposure because they are emitted near ground level and residential areas, unlike traditional sources of PM10 which have tall stacks, large areas for dispersions and are located in non-residential areas. The EPA said the toxicity of wood smoke increases up to 10 times when it interacts with other pollutants. Therefore, what I am asking for, I would like to propose a round table meeting with some of my friends. Peter, Tom and some of my other friends, Jan, Milton, I love you, with Citizens for a Better Environment. Milt is a great guy.

What we want is a PSI of 50 and we have got to have it. We have got all the reports and here is all the materials. Dr. Lipslip checked over our white paper on Friday. I will be presenting it at the Third Annual California Community Against Toxic Conference this weekend in Sacramento, and of course, he will be giving you a test. One of them will be fairly simple, I used this with children in a community day last week, and all you do is put an (x) on everything which causes pollution. A child of 6 knows right away that he is going to get his prize if he guesses the chimneys. So, I also feel that, very quickly, let me sum up by saying you can reduce your carbon monoxide 10% to 20% is what Dario Levaggi, our Technical Director, has said that it contributes. We really are not making this a mandatory control. It costs you nothing, you can heat cheaper with gas, that's in the report, you will know all of this when you read it. So, I just want you to think about that because you can cut the carbon



monoxide immediately. Thank you so much for your time and I enjoy working with you. I do want to know if we could have that meeting .

.....: I would like to ask the staff to meet with Mary. I think that she has demonstrated that she is not only committed to the issue, but that there is substance to it. Mary did you bring the papers you referred to?

**Public (Mary Rosenberg):** I have them right here, including your tests.

.....: OK. Why don't you, since you only have one copy and god forbid any of us flunk the test, why don't you give it to Carol and then she can get it to the staff and distribute it to the Board Members too. I would like to have a staff meet with Mary. Who is going to be the luckiest one to meet with her? Jan, I see he raised his hand first, and Milt.

**Public (Mary Rosenberg):** Oh Peter, come on. We would like the Citizens for Better Environment, the Lung Association, sort of the San Francisco seven of the air pollution issues, and COPE (Citizens Oppose to Polluted Environment) to attend.

And, also any comments and any new information. This is updated weekly. Burning Issues is current, ongoing, and hot.

**Chairperson Cooper:** Thank you very much. Kathleen Parsons, then Kassandra Fletcher.

**Public (Kathleen Parsons):** Hi, My name is Kathleen Parsons. I am here to speak for Burning Issues, and I also work for Citizens for a Better Environment. I would like to read a letter from a man named Isaac Goldman. He is a heart-lung transplant patient who is affiliated with Burning Issues and this is in regard to the need for wood smoke control. This letter was written in January. "My name is Isaac Goldman and I am 32 years old and I am the longest living survivor of a heart-lung transplant with a diagnosed cystic fibrosis. I have had a lung disease my entire life, and for the past three years I have had the good fortune to have a brand new set of lungs. However,

because of the foul smelling air in the evening I can no longer go out at night. I am very prone to coughing and shortness of breathe just because of the delicate nature of my transplanted lungs. I just find it very appalling that I have had to go through so much wear and tear to get a new set of lungs and now I can't even enjoy them because there is too much toxicity in the air that I breathe, especially in the evenings".

The next paragraph is a response to him declining a an invitation to meet with Deputy Chief Air Pollution Officer, Peter Hess. "I am unable to attend this meeting because I have viral bronchitis. I am, however, looking forward to an immediate follow-up with regards to the situation of the monitoring of the air quality level in a residential neighborhood as well as a definitive plan of action that has tremendous amount of publicity for the public. To be not only aware, but to take action".

This letter is written in January. During this episode of viral bronchitis, Isaac Goldman entered Stanford Hospital with congestive heart failure and he died February 26th. I would like to ask the Board to do everything in their power to protect the health of the citizens of the Bay Area. In my own family, I have two members who suffer from very severe asthma and I can only assume that as air quality standards in the Bay Area are relaxed, they aren't tightened as transportation is allowed to continue and cars are allowed to congest the road, that their problems will only grow worse. I really do not want a member of my family to die like Isaac Goldman had to die. Thank you for your time.

**Chairperson Cooper:** Thank you Kathleen. Kassandra Fletcher and then Bill Michael.

**Public (Kassandra Fletcher):** Thank you very much Mr. Chairman. and members of the Board. My name is Kassandra Fletcher and I am the Environmental Affairs Director for the Building Industry Association of Northern California. We represent over 1,300 homebuilders and related trades. I would like to thank you for the opportunity to be able to present our views tonight and also, I would like to appreciate your personal stamina. I would also would like to compliment your staff on their work and particularly their accessibility to the public. Let me first preface my remarks by emphatically stating that BIA firmly believes and accepts that poor air quality is a real problem and a threat not only to our quality of life but also to our health. As a result, BIA has chosen to be

pro-active and participate as a leader in finding the most equitable and the most efficient solutions possible.

While the CAP will affect the homebuilding industry in various ways, tonight I would like to concentrate specifically on indirect source review and how it relates to the production of vitally needed housing in the Bay Area. Particularly on TCM 16, 18, and 19.

E2-9

Regarding TCM 16 - While the EIR acknowledges the short-fall in regional housing and the air quality consequences of long term job commutes from the Valley to the Bay Area employment centers, the proposed ISR classifies residential development as indirect sources, in the same league as airports and shopping centers. ISR can only lead to further delays and costs for residential projects. The ISR section alludes to emission offsets without explaining it. That creates the specter of applying stationary source concepts to mobile source emission issues and potentially new impediments to housing production as residential developers hunt for emission offsets.

Residential projects are different from other types of projects. Residential projects are not themselves major activity centers and do not have the wherewithal to create effective mobile source emissions reduction programs.

Also, we believe that the way TCM 16 is worded, it creates a distinction between current and new residents of the Bay Area that are completely contrary to the direction of the state and federal clean air laws. The objective of air quality regulation is to reduce emissions in order to secure a healthful environment for both present and future populations. The state and federal Clean Air Acts make it clear that attainment plans must address projected future populations and that neither statute in any way implicitly or explicitly authorizes measures which effectively regulate land use to control population growth.

With respect to mobile source emissions, everyone -- whether an existing resident of the Bay Area or a new resident -- contributes to the cumulative impacts that cause non-attainment. The problem is obviously the use of the vehicle, not population. In fact, between 1984 and 1989 total vehicle miles traveled in the BART counties increased by 24%, while population only increased by 8%. And, it should be noted



that during the same period there was no increase in the state highway system in the region. One can easily conclude that the development-related population increases are not fundamental causal factors in increased trip generation, but instead it is the individual use of vehicles that is the source of most emissions. We have included a detailed legal analysis to your staff of this.

On TCM 18, which encourages zoning for higher density, we are in agreement. But, we feel that we should work with the development community and local government to determine what is functionally, economically, and politically feasible.

E2-P

Regarding TCM 19, which requires air quality elements for general plans, we have very strong reservations regarding the functional and legal adaptability of general plans to the dynamic nature of air quality plan implementation. As an alternative, we have outlined in probably three pages of our letter to you, maybe an alternative for local government to adopt ordinances and regulations instead of general plan requirements.

We hope these comments are helpful and that you will have time to review the bulk of our letter, and we appreciate your time. Thank you.

**Chairperson Cooper:** Thank you very much Kassandra. Bill Michael and then John Ciccareli. Bill Michael. No Bill Michael. John Ciccareli, please. OK. Our next speaker, then, will be Linda Horning. Linda will be followed by Bruce Livingston.

**Public (Linda Horning):** Good evening members of the Board. I appreciate your effort in being here and I going to make it really brief. I live in the town of Rodeo in Contra Costa County. The proximity of the Pacific Refining Company to the neighborhoods in our town requires the special attention of the Air Board and I know that it is an issue that you have looked at in depth. The fact that there is no buffer zone between the refinery and homes adds to the critical situation we face on a daily basis. Some homes are a mere 50 feet from the refinery and tanks containing hazardous materials.

I am requesting that the Board conduct a thorough study on how particulates and emissions affect immediate neighborhoods. I am also requesting that the Air

E2-P

E2-P ↑ District implement and enforce stricter standards for air emissions as they relate to Pacific Refining Company and refineries in general. In particular, relating to the valves and flanges. While Pacific has been performing some upgrades on their equipment, it has only been to bring them up to current standards. Given the refinery's close proximity to homes and schools, I think that the current standards are not adequate.

I also request that the Air District enforce the consent decree with Pacific Refining Company now. The sulfur recovery plant, the enclosed flare, and the enclosed wastewater ponds are needed now. To tie these court ordered modifications to Pacific's expansion plans will only cause further delay of these much needed improvements.

The people of Rodeo and Hercules are constantly being exposed to air-borne contaminants and I request that the Air Board take a leadership role in protecting our air.

I would also just like to say briefly that I see the air as a national resource that all living things should be able to access, and I am hoping that the Air District will make its decisions based on the survival of the species and not just the business community. Thank you very much.

**Chairperson Cooper:** Thank you Linda. Bruce Livingston.

E2-P ↓ **Public (Bruce Livingston):** My name is Bruce Livingston. I am the California Director of Clean Water Action. We have 20,000 members in the Bay Area. I would like to thank Citizens for a Better Environment for helping to make this happen tonight, for involving so many citizens. I came tonight to speak up on ozone depletion. Just three months ago, 15 environmental organizations spoke to your Board through Julia May and asked that your staff looked into ozone layer depletion regulations. Similarly to what the South Coast Air Quality Management District has already begun to implement. We have yet to see a good report from your staff on that. We would like to start with an inventory of ozone depleting chemicals, looking at the impacts of these proposed regulations on ozone depletion, and specific rules for the reduction of ozone layer depletion. Some of these are very simple. They are already being implemented in Salinas, Berkeley, San Ramon and Contra Costa County has gone very far in

bringing new ordinances out. Vampire units can capture ozone depleters from refrigerators, from automobiles, and you can regulate how HCFC are sold. There is a lot that can be done. There is nothing in the Clean Air Plan on that. There is 25 pages in the South Coast District Plan, I would like you to look at that. That's the sort of thing we would like to see this District do. I would like to ask that your staff do that sort of thing.

I came tonight and looked at the Plan and I am astounded. There is no attainment demonstration here. I am talking about the rest of the Plan, it doesn't even come close. It's a dirty air plan, it's not a clean air plan. I think you should send it back and see a lot more regulation here. I see a lot of finger pointing at state and federal officials. By your own estimates you would need 75% reductions in reactive hydrocarbon and NOx to reach attainment. By the year 2000 with all the control measures that you are implementing, that you are planning on putting in place by then, you are looking for 90 tons per day of reactive hydrocarbons. 90 tons out of 250 needed, you are not even close.

On Table 10, you have got approximately 23% of all your RHC reductions from, I think you call it, Phase 3 your market-based TCMs. Out of 90 tons which is not even close, 23% of those RHC reductions are from market-based measures which are the least accountable, the least tested, the most ideological. That's not good enough. 23% is not even getting close to getting about 1/3 of the way. You need a lot of work here, that's very far off, I know a little bit about it. I was a South Coast Program Manager for EPA. I wrote the federal air plan that reduced smog in the South Coast 100%. We had 100% reduction of ozone, 100% reduction of CO. It can be done. Thank you.

**Chairperson Cooper:** Thank you very much. Our next speaker, David Pilpel, followed by Carol Kuczora.

**Public (David Pilpel):** Good evening, members. I am David Pilpel. I am the Bay Area Transportation Chair for the Sierra Club. You have heard from several of our members tonight, I am going to try not to repeat any of our testimony.

E2-P



E2-P

First of all, I would like to again comment that the Plan needs to be more specific in terms of describing each proposed action, the implementing agencies, and a schedule for implementation. Throughout the Plan, it speaks in vague generalities and we need to understand how the Plan will be implemented.

Secondly, we do seek a strong indirect source rule. Both for new sources and existing sources and we would encourage you to start developing that now in consultation with industry and appropriate others.

Next, we would like to know what specific transit improvements are going to be proposed. We certainly support transit improvement, but just saying that we wanted a certain percentage increase in bus service without specifying which corridors or what areas, I think is insufficient. If people know that in exchange for higher bridge tolls and other sorts of restrictions that they will get tangible improvements in transit services, it will reduce 30 minute frequencies to 15 minute frequencies on key routes where there is demonstrated population, I think people would be more likely to accept the Plan.

In addition, an area that is not really addressed here is movement of goods and the opportunity to move goods via rail instead of via truck. Notwithstanding this bill that occurred last week, movement of freight by rail is a very energy and air efficient method of transporting things, and with adequate safety controls, which I am sure we will not see, that's certainly something that should be included.

In order to fund these areas, we certainly support parking fees as you have heard and gas tax increases as appropriate. To price transportation in an appropriate way and provide these alternatives which we think very appropriate.

Finally, we would not just encourage, but we think it's necessary to have a strong public education campaign. I think all the people that are here tonight and that you have heard from in others, understand the need for cleaning up the air. But, I think the public at large may not understand the need, and a campaign where you don't just say how many days we have had exceedances, but demonstrate some of the effects of poor air, would be very helpful to that end. We have provided substantial comments and writing. We will provide additional comments and we really do appreciate the opportunity that the public has had to address you tonight. I think this is very helpful to the process. Thank you.

**Chairperson Cooper:** Thank you David. Carol Kuczora, and then Kermit Smith.

**Public (Carol Kuczora):** Hello. My name is Carol Kuczora. I thank you for this opportunity. I am a member of the Environmental Health Network which is a support group for people, most of whom are chemically hypersensitive and many of whom traced their sensitivity to a chemical injury. I am afraid we will probably be seeing more and more cases of these people. It happened to me a year and a half ago and I got real curious as to how did it happen, and what was aggravating it, and how to prevent it from happening to other people.

I preceded to educate myself as much as I could, as fast as I could, in the chemistry and physiology of it. I fled to San Francisco to get close to the ocean so that I could breathe fresh air. To my horror, I found that the beach was foul and the air coming off the ocean was foul or appeared to be. Learning the chemistry was easy but getting the information regarding the air quality was difficult. I came up with some suggestions about data gathering and reporting which I hope is appropriate and I thank you for the opportunity.

One of those suggestion has to do with monitoring stations. To localize the sources of pollutions, it is necessary to monitor all pollutants, both coastal and inland and both north and south. That way we can determine whether it comes from land or from sea and get a directional fix. Sometimes I suspect that there might be some ocean incineration. We will never know if we can't compare your data, inland and outland.

To combine the traces of related compounds. Some of the compounds that you test for are chemically related but there is not enough of any single individual one of them to register on your machines. Such as if you could test whole groups of things. Such as chlorinated methanes, ethanes, and ethylenes, which includes vinyl chloride otherwise undetectable in some places, and chloroform. Or, nitrogenous hydrocarbons such as are found in diesel and acrylonitrile polymer and cyanide.

Another suggestion is to subdivide compounds that are chemically distinct. One of your categories that are reported are hydrocarbons, which is a huge category, and it is rather significant to know whether they are aromatic or oliphatic, low or high

molecular weight, saturated or unsaturated, volatile or not, polycyclic or not, acid or base, or ozonated, or other oxygen saturate things.

Or, subdivide the particulates. It makes a big difference whether they are organic or inorganic, natural or synthetic. PM10 does not tell you whether you are dealing with pollen or asbestos.

PH, the hydrogen ion concentration is a very meaningful measure that I have not seen reported at all.

The placement of stations where local bus and truck traffic and building exhaust is contaminates the data. It artificially introduces variation, and it raises the baseline/threshold or what you euphemistically call background values. So, a change cannot be detected until the general air is worse than directly behind a bus.

The reporting of the data. I would appreciate it if a monthly summary of daily high value could be made available by subscription to those of us who are interested. Thank you.

**Chairperson Cooper:** Thank you Carol. Could staff do that? Thank you. Our next speaker is Kermit Smith, followed by Clem Clay.

**Public (Kermit Smith):** Good evening Chairman Cooper and members of the Board. I appreciate being here this evening and I need to make it very clear that I am solely representing the California Environmental Review this evening. I have been active in air pollution control matters since the early '60s and since that time. I would like to now express my appreciation for the work of Milt Feldstein and the leadership he has provided, as now your Air Pollution Control Officer.

Back in the early days of the '60s when I happened to be Chairman of air pollution for the Loma Prieta chapter of the Sierra Club, we measured air quality by 1/2 mile or 2 miles away whether or not we could see Hoover Tower at Stanford University. The reddish oxides of nitrogen and the particulate, you know about those days. You now have pretty good air quality that's going down like that. And that is to which I address my comments this evening. I wrote neutral on my document on whether I support or oppose, and gosh, I have never been neutral on anything before, even



when I moved over to work as Air Pollution Chairman for the Lung Association, where oftentimes you are essentially neutral on public issues. I am again saying that I am solely representing myself this evening.

I am concerned with this Plan, with its potential for waivers, delayed implementation, delayed enforcement and delayed mitigation. I wondered where are we going. Because of the work that this Board did and your staff did, sometimes I worked with them, sometimes I fought against the District. But we have achieved in the last, gosh, since '60s to '90s have been a long time, but since 1980 to 1990, the last 10 years, it has gone down like this. Now, based on your laurels and increased developments, new sources, you are going to coast along to the year 2000 and so rightly enough, you are putting all your projections to that time. I am getting now back into air pollution control because in 1979 I went back to Washington, DC and I returned 10 years later, just a couple of years ago, and I am now again providing technical consultant to various environmental organizations. So, by the year 2020 you are going to be back as bad as you were in 1980.

E2-P

So, what I am suggesting is that you take your air pollution element that you produced before. It was a very good document though it omits particulates and that should be included again. It is a little bit weak on NOx when you had a delayed mode of enforcement on that subject. The South Bay cities are beginning to adopt it. Gilroy has a good plan, San Jose has a pretty good plan in the works, I am not sure exactly where they are. What I am proposing is that the District and some of the representatives here go back to your cities and get them to start adopting that clean air element to your municipal general plan and, furthermore, since Byron Sher is in the South Bay and he is concerned about air pollution, too, I am proposing and I will be proposing that legislation be adopted using your plan as a model. So, that's a work project for you, that this be required to be adopted by every city. Now, to avoid the flack, we just say that -- use that as a model and the cities adopt what they want and that makes it politically viable in the State of California to get through the Resource Committee and to the floor. Then, I hope, I will be able to support your next version of this Plan. Thank you.

E2-P

**Chairperson Cooper:** Thank you Mr. Smith. Alright, our next speaker, Mr. Clem Clay followed by Claire Akin.

**Public (Clem Clay):** Good evening. Thanks for being here. My name is Clem Clay, I am a resident of Berkeley and also a member of the Race, Poverty and Environment Coalition at UC Berkeley. I first of all would like to reiterate what the woman from Marin said, I don't know if she is still here, but I thought she put it very well regarding your responsibility to California and the nation, to set a clean air standard. So, regarding her point that it's really not all that difficult, I think you all know what to do. I think you have heard it from CBE and the Sierra Club and a lot of other groups. I don't want to go through it again.

What you need to do in terms of transportation policy and industry emissions. I think part of the problem is that you are worried that industry won't find that acceptable and I would just like to encourage you to get away from that idea. Industry is not going to be leaving the Bay Area, I don't think you need to worry about that. I think the fact that we can quantify the cost of implementing strict air quality standards more easily than we can quantify the benefits of clean air shouldn't deter us from striving for clean air. I hope that you can keep that in mind.

**E2-P** What I would like to talk a little bit about is not so much what to do, but how you do it because I think that's more important, or as important, as the standards that you set. It's the way you set them and the way you go about doing it. I think you need to involve all the communities in the Bay Area in the process. Make this a more democratic process and speak with people in many of the different communities, especially those which are most affected, which as you may or may not know, are typically communities with many people of color as well as people in lower income brackets, people who speak different languages from English. I think you need to reach out to those people. There will be some more people speaking about that later this evening. I think you need to do this in an equitable fashion.

I think we need access to public transportation, affordable public transportation is just one example. I would like to just mention one thing that happened last Saturday that I think is an example of a way of something that you need to avoid in the process of working with the different communities in the Bay Area. I was at a community speak-out for the West County Toxic Coalition in North Richmond this past Saturday, Henry Clark spoke about that community earlier, and there was a woman there from

the Health Department who spent about 1/2 hour presenting a plan for computerized phone calling emergency response system. Every single person from the community practically walked out because she just had no idea how to communicate with those people. I think you need to take that kind of example in mind and do things like reach out to these communities. Hire people from many of the different communities for your staff and make a real effort to reach out to them as you make this Plan, because they are the people who are affected. They are the people who bear the burden and they are the people who really know what kind of air quality standards they want. Thanks.

**Chairperson Cooper:** Thank you Mr. Clay. Claire Akin, followed by Denny Larson.

**Public (Claire Akin):** Hi. My name is Claire Akin. I live in Albany, California. I am a student at UC Berkeley and I want to thank you for staying up late with us tonight and doing this. I have lived in the Bay Area my entire life and felt that I have watched the smog and air pollution in this region increase alarmingly. Tonight, I was on my way to San Francisco and like many other nights when I travel from Berkeley to San Francisco, I had to make a choice and that was to pay \$3.60 for BART round trip and another \$1.70 for MUNI or, to drive my car. It costs me a lot less out-of-pocket, just to pile my friends in the car and go over the bridge. But, being aware of environmental degradation that driving costs, I chose to take BART rather than saving my cash and driving. I know I am an exception. Most people take the least expensive alternative at hand. With our current fares on mass transit combined with the inconvenience, these people choose to drive. At the same time, many people who use mass transit are of lower income levels and cannot afford to own cars. These high fares, especially on BART, make it difficult for them to use the transit system.

Driving pollutes and pollution kills. We must stop building freeways and encouraging automobile use. We must use the money to make our existing freeway structure safe and use the money saved for improving mass transit systems at no increase costs to the riders. They should not have to pay so that other people can drive.

I would like to conclude with an observation that there is nothing in the Constitution of this country that guarantees a person the right to pollute. Rather there is a mention that, we as citizens are entitled to life, liberty, and the pursuit of



happiness. I would like to suggest that we break the assumption that the pursuit of capital by a few people at the expense of the public's health, life and happiness is a valid occupation. I would like to suggest that we protect our citizens first and let businesses work within the limits that the health of the people requires. Thank you.

**Chairperson Cooper:** Thank you very much. Denny Larson and then Lili Lee and Pamela Chan.

**Public (Denny Larson):** Thanks very much Chairman Cooper and members of the Board. I want to thank the Board for scheduling this hearing to facilitate public participation. I hesitate to remind you that it was my idea. But, I think it is pretty important that you have done this and I appreciate the time that you have taken to come here tonight, particularly because people who ordinarily are working during the day can't come to your usual meetings. I ask, despite the fact that we are here pretty late and we are all getting pretty tired, that you consider holding more of your hearings that have to do with stuff like the Clean Air Plan that impacts so many people in the public, at a time when they really can attend.

E2-S1

Just briefly, I want to share with you some of the concerns about the socioeconomic report that came out. Unfortunately, in press coverage last week, that report is seriously flawed because it fails to provide the rationale for cleaning the air in the Bay Area. It fails to quantify any of the benefits of the Plan. It gives the impression that the measures can not be justified. The South Coast District in their plan and in their socioeconomic report, did produce some numbers that indicate that the benefits of clean air outweigh the cost. Although their analysis isn't very complete or great, it is a starting point. The benefits of clean air can obviously be estimated in terms of reduced health care cost, reduced numbers of days missed work, and fewer cases of cancer and deaths due to various types of air pollution. Please instruct your staff to expand upon the benefit analysis that was used by the South Coast District. Produce and publicize such a document. I think that will aid in all of our efforts to get a good strong clean air plan through. I don't believe nor do I believe that you think we can any longer afford the cost to life and health or the financial cost of dirty air. If business is really part of this community and willing to work together on that, they will join in going for a stronger plan. Thank you.

**Chairperson Cooper:** Thank you Mr. Larson. The next card has two speakers, Lili Lee and Pamela Chan. Could you both come up?

**Public (Lili Lee & Pamela Chan):** Thank you. **I am Lili Lee**, a master student in the energy and resources group at UC Berkeley. **I am Pamela Chan** an environmental science major at UC Berkeley. **(Lili Lee)** We are here to represent the group, People of Color for the Environment. We thank you for this opportunity to speak to the Board and we support the calls of the environmentalists we have heard here for a stronger Clean Air Plan. Tonight we have heard many people talk about the detrimental impacts of air pollution, also about the impacts of abatement policies, but very few, notably Henry Clark and Chappel Hayes, have been here to represent poor people and people of color in the Bay Area. These groups are benefiting the least from this country's dependency on oil and toxic chemicals, yet they suffer the most. Poor neighborhoods often contain the freeways and polluting industry plants that makes possible the consumption habits of the rest of this population. Public transportation is becoming less and less affordable for those who can not afford cars. Improper land use planning encouraging suburban sprawl merely increases travel distances and drains resources from the inner-city. Like Denny Larson, we appreciate you holding this meeting after hours and hope for more opportunities in the future to let the public speak. Yet, look around the room, how many people of color or low income people do you see? Clearly they are being left out of the planning process.

**(Pamela Chan):** As a result, we have market-based approaches that tend to be regressive like gas taxes and bridge tolls. The BAAQMD can not continue to disenfranchise the people that suffer the most from economic, social, and environmental inequities. Regressive taxing will only further marginalize the under represented communities. Population and immigration statistics clearly show that the demographics of the Bay Area have been and will continue to change drastically. In the coming decade the majority population of the Bay Area will consist of people of color and low income people, many of whom will be immigrants. The growing new majority is a large constituency that can not be ignored. Through more out-reach, through more hiring of people of color within your agency and other similar agencies, you will begin to open the communication channels for innovative solutions to the air quality problem. You must involve poor people and people of color. Not as tokens,

E2-S2



but as integral parts of this planning process. We urge you, please, to consider this. Thank you.

**Chairperson Cooper:** Thank you both. Our next speaker is James Beatty, followed by Stuart Chaitkin.

**Public (James Beatty):** My name is James Beatty. I am from Berkeley, California. I hadn't planned on speaking here today, I thought this was going to be a Ward Valley meeting. I thought it was going to be for the Ward Valley press conference. But, I have been concerned about the air quality for a long time. I want to say I would like you to please heighten the awareness of the people. I think San Francisco with all its responsible people, are unaware of the fact that in the East Bay it is down land and the pollution collects in the hills. Please institute local monitoring for busy streets and intersections such as Ashby and Telegraph in Berkeley. I asked for this to be done about five years ago and apparently there are two monitoring units in the State of California for mobile units. Please develop a home detection device. Some kind of litmus paper or chemical sensitive paper that will dangle from trees where people can monitor their own pollution. With public awareness of the extent and effect of pollution upon them in and around their own homes, inescapable, public support should be forthcoming. Let us legislate space on the freeways for trains. One or two lanes could be converted to rail with less expense.

Since the automobile industry has been stalling on behalf of the oil industry, i.e. the military industrial complex, in developing solar cars or anything else, please lobby the legislature to develop this technology independent of the national business community or the federal military industrial complex that holds us under tyranny.

20 years have gone by. The spirit created when we felt we could do something about this has been attrited. We wanted to see if anything could or would be done. They said they had done everything that was needed and everything was alright. Now we see that there has been increased pollution. We have been stabbed in the back and now the United States have been saying we won't do anything about our world pollution. The suggested programs are projected for over 50 years. People are losing to the industry, the power structure, the ancient oligarchic cult of Carthage still running the world community, business community, Chalcedony (Webster Collegiate, 1953



Edition). People are becoming disheartened and apathy will consume them. It is as though we are already declining as Rome may have done from lead, from blood poisoning and dementia due to a toxic environment.

**Chairperson Cooper:** Thank you Mr. Beatty. The next speaker is Stuart Chaitkin, followed by David Ferguson.

**Public (Stuart Chaitkin):** Good evening. I am Stuart Chaitkin, I am the Executive Director of Urban Ecology. Urban Ecology is a non-profit environmental organization based here in the Bay Area that supports the critically necessary transformation of our metropolitan areas using principles of ecological development and social and environmental justice. We can have clean, vibrant, economically strong and ecologically healthy urban areas. Your goal must be to continue to improve our air. We must reach attainment status.

We believe that controlling the emissions from private automobiles through trip reductions strategies especially is critical. We must all move away from our dependence on automobiles. You need to develop strong and specific indirect source controls and you need to help stop the widening and construction of freeways throughout the Bay Area. You folks can help and you should help. You have the mandate, you have the power, we want you to do your job responsibly. Just think how important your contribution could really be.

On a different subject, hopefully you believe that we must continue to try to internalize the environmental externalities associated with all of our activities. In this regard, as I think you probably know, the California Public Utilities Commission last month began the process of specifically incorporating residual emission values into the electric resource procurement process, both planning and acquisition of future electric resources throughout this State. But, unfortunately, because of your previous inaction to strengthen the control of NOx emissions from PG&E's electric generation power plants here in the District, I believe that the PUC has not been able to develop an appropriate value for NOx reduction for the PG&E plants. Partly as a result, PG&E was given the option to value NOx reduction at only 29% of the value developed for the South Coast. Do you really believe that our air is so clean that reducing PG&E power plant NOx emissions here is worth 29% of what it is worth in LA?

E2-P

One final technical issue. The NOx that is in the Plan is very hard to understand. It needs to be much more specific and I have one technical point to correct. The reference to the South Coast Rule 1135 target NOx emission rate number is listed incorrectly. Last Friday, at the adoption by the South Coast Board, the target starting in the year 2000 that was adopted was .15 pounds per megawatt hour, not the .20 that is shown in your Plan. I pointed this out specifically, the location, to your EIR consultant. Thank you.

**Chairperson Cooper:** Thank you sir. Our last card is David Ferguson. No David Ferguson. I am going to call the other two names of people who apparently have left, David Ciccareli, Bill Michael. We have three speakers then, who have apparently had to leave. Before I close the public hearing, I will offer others in the audience a chance to speak who have not yet spoken. Is there any one else who would care to fill out a card and speak? Hearing none then, I am going to close the public hearing and ask staff to again remind us of what the remaining process is.

We have heard tonight from, I believe a total of 55 speakers which I think is admirable. I am very pleased to have had this many people come out and stayed this long and I would like to commend those who have stayed to the bitter end, to be here to hear what has been said. As I understand it now, Milt, you will take all of these comments both that have been received here tonight orally and in writing and we have until August 19, for further written comments on the EIR. Then would you again tell us what the process is after August 19?

**Milton Feldstein:** After all the comments have been looked at, evaluated, categorized, we will make amendments to the Clean Air Plan and you will receive the final documents in October, for the updated Clean Air Plan and the EIR for certification.

**Chairperson Cooper:** OK. Before we adjourn the meeting, are there any other questions of staff or comments from the Board.

**Anna Eshoo:** Milt, is there anything in this process where the Board having heard a variety of these things, from the public tonight, will get to go over things with staff, or

do you take all of this and digest it the way you just described and then it's our turn when we get it?

**Milton Feldstein:** Yes, then it's your turn to react to it.

**Anna Eshoo:** OK. But nothing from the Board members themselves?

**Milton Feldstein:** Oh, the Board can say anything they want at any time.

**Anna Eshoo:** But true, I mean will it go anywhere, is there time for that, do we submit things as individuals?

**Milton Feldstein:** Sure, sure.

**Greg Harper:** For myself, I would like to, when I have time to go over all of this information now and I sort of get the idea that all the information is now in. For myself I intend to and I hope I can accomplish this, sit down and write out for the other Board members what my reaction is at this point, what I think and I would like to pass that to staff and the other Board members prior to October, and I would encourage other Board members who would like to do that as well, so that we can begin to get a sense because I think if we wait until October to hear each others reaction and comments, we are going to find ourselves up against a wall and saying, well we have to get this plan put in place and maybe it is a little too late to modify it very much, and so I am going to do that and I hope that no one takes any offense. I would encourage any other Board member to do the same so that I could begin to get a sense of about how other people feel.

**Chairperson Cooper:** I think it's a fine suggestion Greg, and I think Anna and you have put a little different slant on things. I think if we can do as you are suggesting and get our thoughts in writing to the staff and to the Board, I think it would be very helpful. On that same subject, one of our Board member who is not present here tonight, has asked me to make reference to a formal document that he has submitted dated July



17, 1991. I would like that to be part of the record, I won't read it, I will just highlight the principle subject of his letter. It deals with the subject of the Intermodal Transportation Hub Center Concept and I would ask that this be circulated to members of the Board and considered by staff.

**Al Aramburu:** Mr. Chairman, I would just like to understand a little bit more of the process, if I may, through the Chair. Milt, did I understand you correctly, you are essentially going to do it like in an EIR, where comments have been made and the staff is going to respond? For example, as five people talked about bicycles and people talked about wood burning stoves, you are going to respond like you did to me on the voluntary ..... so you are just going to go down chapter and verse or all the 56 essentially ..... and then following up on Greg's suggestion, if Board members would like to put together ..... of what the people said similarly can be included as part of the process. Now, I mention the EIR, would this be more appropriate to include in the EIR as comments in the draft EIR or merely comments on the Plan itself?

**Milton Feldstein:** I think they would be combined

**Al Aramburu:** So they would be reproduced as is done in the EIR process in response to the draft, they could be in both places.

**Chairperson Cooper:** Thank you Al. Any further comments from the Board?

**Sunne McPeak:** I think the process that Greg has now outlined is the probably what we really need tonight. I think a lot of us might have comments, but if we can first put them in writing and then schedule a workshop for us to review our own comments as well as the EIR responses to the testimony tonight, that should get us through a point of understanding the consensus before we have to act on the plan. So I would like to endorse that and I will just hold all my other comments and use that process.

**Chairperson Cooper:** Thank you, Sunne. Any one else who would care to comment?

**Roberta Achtenberg:** I think that the staff already has a lot of ideas of how they are going to strengthen the Plan. For instance, putting in a schedule of when rules would be adopted. How are we going to work together with that process? Because otherwise we are all going to be coming on things we are already planning to do. Or does that matter?

**Milton Feldstein:** It is not going to matter at all. We would like your input but I would only ask that you do it in sufficient time for us to review it and get it into the Plan.

**Chairperson Cooper:** Alright, anything further? Well then, unless there is any objection on the part of the Board or staff have anything else to say, I am going to adjourn this meeting and thank you all for coming and for staying this late.

**Response to Comment  
Letter E2**

RESPONSE E2-1	<p>The environmental impacts are quantified where possible in the DEIR. In many cases however, the broad scope of the CAP did not allow for a quantitative analysis. As stated in the CEQA Guidelines (Section 15146):</p> <p style="padding-left: 40px;">The degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR.</p>
RESPONSE E2-2	See Response D2-1.
RESPONSE E2-P	See Section 1.2 regarding comments on the CAP.
RESPONSE E2-3	The impacts of the CAP on urban runoff are discussed adequately for a program level EIR in Chapter 4.10. As noted in the DEIR, the CAP TCMs will result in a beneficial water quality effect.
RESPONSE E2-P	See Section 1.2 regarding comments on the CAP.
RESPONSE E2-4	As discussed in the Introduction to the Final EIR, Control Measure D9, Control of Emissions from Residential Wood Combustion, has been added to the Final CAP. This control measure will reduce emissions from domestic woodstoves and fireplaces.
RESPONSE E2-P	See Section 1.2 regarding comments on the CAP.
RESPONSE E2-5	Comments received on the DEIR by Dehnert Queen of the Small Business Development Corporation, have been reproduced in this document and may be found under letter C11. Please refer to Responses C11-1 through C11-8 for responses to issues related to the CAP DEIR.
RESPONSE E2-6	See Response C11-6.
RESPONSE E2-7	See Response D5-1.
RESPONSE E2-8	See Response C1-6.
RESPONSE E2-9	See Response C3-7.
RESPONSE E2-S1	See CAP Socioeconomic Report, Response to Comments document.
RESPONSE E2-S2	See CAP Socioeconomic Report, Response to Comments document.





GOVERNOR'S OFFICE OF PLANNING AND RESEARCH

1400 TENTH STREET  
SACRAMENTO, CA 95814

Aug 19, 1991

HENRY D. HILKEN  
BAY AREA AIR QUALITY MANAGEMENT DISTRICT  
939 ELLIS STREET  
SAN FRANCISCO, CA 94109

Subject: 1991 CLEAN AIR PLAN  
SCH # 90030986

Dear HENRY D. HILKEN:

The State Clearinghouse submitted the above named environmental document to selected state agencies for review. The review period is closed and none of the state agencies have comments. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call Daralynn Cox at (916) 445-0613 if you have any questions regarding the environmental review process. When contacting the Clearinghouse in this matter, please use the eight-digit State Clearinghouse number so that we may respond promptly.

Sincerely,

A handwritten signature in dark ink, appearing to read "David C. Nunenkamp".

David C. Nunenkamp  
Deputy Director, Permit Assistance



C124905423





